

had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, March 21, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds to whom was referred

House bill No. 103, A bill to be entitled "An Act to authorize the Governor of the State of Texas to purchase the LaBahia Mission property near Goliad, also to authorize the Governor of the State of Texas to accept land from the owner of what is commonly known as Fannin's Battlefield Ground in Goliad county, to make appropriation to pay for and improve said LaBahia Mission property, and to make an appropriation to improve said Fannin Battlefield Ground,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DARWIN, Chairman.

#### PETITIONS AND MEMORIALS.

By Senator McNealus:

Letter signed by Samuel P. Mendez, Sr., Dallas, Texas, suggesting that the Legislature appropriate funds to defray transportation expenses of the Texas soldiers of the Confederate States to the battlefield of Gettysburg.

Read and referred on motion of Senator McNealus to Finance Committee.

By Lieutenant Governor Mayes:

The following telegram dated El Paso, Texas, signed by El Paso Chamber of Commerce:

Following resolutions passed unanimously this afternoon:

Resolved, That, whereas, on the 17th day of March this chamber voiced its opposition to a change in the present congressional district, in which El Paso county is situated, by resolutions, the wording of which has been wrongfully construed as intended as a personal criticism of some members or member of the State Senate comprising the Committee for the Redistricting of such State into congressional districts; therefore, be it

Resolved, That the Chamber of Commerce of El Paso, Texas, did not by such resolutions intend to reflect upon the good faith and fairness of Hon. Claude B. Hudspeth or of any such committee or other member of the Legislature of the State of Texas, and in so far as any language therein is susceptible of any such construction, the same is inapt and as such is hereby rescinded as an expression of the views of this chamber, this chamber only intending to express its best judgment with reference to how the districts should be created which position is hereby reiterated; and be it further

Resolved, That a copy of these resolutions be sent by telegraph to the Hon. Senator Hudspeth and to the President of the Senate of the Texas Legislature.

By Senator Carter:

Telegrams signed, respectively, by officers of Bricklayers and Masons' union and Carpenters' union of El Paso, Texas, reading substantially as follows:

Having noticed in the public press a certain resolution by the Chamber of Commerce of El Paso in reference to the congressional redistricting of the State, and believing it could be construed to reflect on the splendid character of Senator Hudspeth, we wish to assure the Senators of Texas of the high esteem in which he is held by our organization, numbering 400 of his constituents.

#### FIFTY-SECOND DAY.

Senate Chamber,

Austin, Texas,

Monday, March 24, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

## Absent.

Paulus.

Westbrook.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of last Friday, the same was dispensed with on motion of Senator Terrell.

(See Appendix for petitions and memorials and standing committee reports.)

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 723 by the following vote: yeas, 111; nays, 0.

Also concurs in Senate amendments to House bill No. 24.

Also concurs in Senate amendment to House bill No. 163.

Also concurs in Senate amendment to House bill No. 633 by the following vote: yeas, 112; nays, 0.

Concurs in Senate amendments to House bill No. 609 by the following vote: yeas, 112; nays, 0.

Also concurs in Senate amendments to House bill No. 697 by the following vote: yeas, 112; nays, 0.

Also simple resolution requesting the Senate to recede from its action in adopting the report of the Free Conference Committee on Senate bill No. 268, and to revive its Free Conference Committee with instructions to consider further the bill.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

## SIMPLE RESOLUTION.

By Senator Vaughan:

Resolved, by the Senate, that the Senate accede to the request of the House of Representatives to recede from its action in adopting the report of the Free Conference Committee on Senate bill No. 268, and rescind the same and to revive its Free Conference Committee, with instructions to consider and report again.

The resolution was read and adopted.

## EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, March 24, 1913.

To the Senate.

I ask the advice and consent to the appointment of the following persons to the offices named:

To be a member of the board of managers of the North Texas Hospital for the Insane—A. R. Andrews of Kaufman county, in the place of C. C. Bennett, resigned.

To be a member of the board of managers of the Epileptic Colony at Abilene—H. B. Cook of Taylor county, in the place of T. J. Combs, resigned.

To be members of the State Mining Board—C. N. Avery of Travis county, H. C. Koehler of Bexar county, W. K. Gordon of Palo Pinto county, as representatives of the mine owners.

M. N. Bullock of Milam county, Wm. Wimberly of Wise county, A. S. Masters of Palo Pinto county, as representatives of the mine workers.

Howard Bland of Williamson county, as a disinterested member of the board.

Respectfully submitted,

O. B. COLQUITT,  
Governor of Texas.

## BILLS AND RESOLUTIONS.

By Senator Vaughan:

Senate bill No. 478, A bill to be entitled "An Act to further regulate the issuance of license to retail liquor dealers and retail malt dealers so as to prohibit the issuance of such license, except upon the petition of a majority of the adult white inhabitants of the justice precinct in which such intoxicating liquors are proposed to be sold, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator McGregor:

Senate bill No. 479, A bill to be entitled "An Act to prohibit any male person over the age of twenty-one years, in this State, having carnal intercourse with any female under the age of twenty-one years, and who is, at the time, in his employ, and providing penalties for this violation, and providing an emergency."

Read first time and referred to Judiciary Committee No. 2.

(By Unanimous Consent.)

By Senators Willacy and Weinert:

Senate bill No. 480, A bill to be entitled "An Act making an appropriation for the support of the State Prison Commission for the period beginning March 1, 1913, and ending August 31, 1913, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Nugent:

Senate bill No. 481, A bill to be entitled "An Act appropriating out of the general revenue of the State of Texas, not otherwise appropriated, the sum of twenty-five hundred dollars, or so much thereof as may be necessary, to purchase of the widow of General Memucan Hunt, a marble bust of that noble patriot who did so much for Texas in her most trying hours, the purchase price of said bust to go to said widow, who is now destitute and in want, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Johnson:

Senate bill No. 482, A bill to be entitled "An Act amending Article 4606, Title 67, of the Revised Civil Statutes of 1911, relating to legal holidays, and for the purpose of making every Saturday from 12 o'clock noon until 12 o'clock midnight a legal half-holiday, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Wiley:

Senate bill No. 483, A bill to be entitled "An Act to create a more efficient road system for Montague county, in the State of Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Terrell:

Senate bill No. 484, A bill to be entitled "An Act to create a special district court for McLennan county, to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court and the other district courts in said county to such changes as are made in the jurisdiction of any of said courts

by this bill, to empower the judge of said special district court and the judges of the Nineteenth and Fifty-fourth Judicial Districts, in McLennan county, to transfer cases from their respective court to the other said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

#### SENATE BILL NO. 422—HOUSE AMENDMENTS CONCURRED IN.

Senator Astin called up Senate bill No. 422, with the following House amendments:

(1)

Amend the caption of Senate bill No. 422 by striking out the words and figures "and 37" wherever they occur together, and insert the word "and" between the numbers "35" and "36."

(2)

Amend the second line of Section 1 by striking out "and 37" and inserting the word "and" between "35" and "36."

(3)

Amend by renumbering the last section so as to make it "Section 2" instead of "Section 37."

The amendments were read, and the Senate concurred in same by the following vote:

Yeas—26.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Murray.
Carter.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.

Present—Not Voting.

Collins.

Absent.

Morrow.  
Paulus.

Weinert.  
Willacy.

## SIMPLE RESOLUTION.

By Senator Townsend:

I move that the report of the Committee on Rules, as its report is shown on pages 1047 to 1055, inclusive, of the Senate Journal, be adopted and that such rules from and after this date, constitute the permanent rules of this body, governing its future deliberations.

The above resolution was read and, Senator Terrell moved that action on same be postponed indefinitely, which motion was adopted by the following vote:

Yeas—18.

Astin.	Morrow.
Bailey.	Murray.
Carter.	Nugent.
Conner.	Real.
Gibson.	Terrell.
Hudspeth.	Watson.
Kauffman.	Weinert.
McGregor.	Wiley.
McNealus.	Willacy.

Nays—11.

Brelsford.	Lattimore.
Collins.	Taylor.
Cowell.	Townsend.
Darwin.	Vaughan.
Greer.	Warren.

Absent.

Paulus.	Westbrook.
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Senator Terrell moved to reconsider the vote by which the motion to postpone was adopted and lay that motion on the table.

The motion to table prevailed.  
Morning call concluded.

SENATE CONCURRENT RESOLUTION  
No. 13.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading,

Senate Concurrent Resolution No. 13, Validating certain land titles.

The resolution was read third time and passed.

## ACTION ON INVESTIGATING COMMITTEE REPORT.

The hour having arrived for the special order, the consideration of the re-

port of the special committee to investigate the Attorney General's department.

There being a majority and a minority committee report, the pending question being on a motion by Senator Lattimore to adopt the majority committee report and a substitute motion by Senator McGregor to adopt the minority committee report.

Senator Carter made the following substitute motion for both the pending motions:

"I move that both minority and majority reports on pending resolution be adopted."

The substitute motion was read, and Senator Nugent moved to table same, which motion to table was lost by the following vote:

Yeas—13.

Conner.	Morrow.
Cowell.	Nugent.
Gibson.	Townsend.
Greer.	Vaughan.
Johnson.	Warren.
Kauffman.	Wiley.
Lattimore.	

Nays—15.

Astin.	McNealus.
Bailey.	Murray.
Brelsford.	Real.
Carter.	Taylor.
Collins.	Terrell.
Darwin.	Watson.
Hudspeth.	Weinert.
McGregor.	

Absent.

Paulus.	* Willacy.
Westbrook.	

Action then recurred on the motion to adopt both the committee reports.

Senator Gibson moved to postpone further action on same indefinitely.

Senator McNealus moved to table the motion to postpone, which motion to table was lost by the following vote:

Yeas—11.

Carter.	Murray.
Collins.	Real.
Darwin.	Taylor.
Hudspeth.	Terrell.
McGregor.	Weinert.
McNealus.	

Nays—16.

Astin.	Greer.
Bailey.	Johnson.
Conner.	Kauffman.
Cowell.	Lattimore.
Gibson.	Morrow.

Nugent.  
Townsend.  
Vaughan.

Warren.  
Watson.  
Wiley.

Present—Not Voting.

Brelsford.

Absent.

Paulus.  
Westbrook.

Willacy.

Action then recurred on the motion to postpone indefinitely, which motion was lost by the following vote, it requiring a two-thirds vote:

Yeas—13.

Astin.  
Bailey.  
Collins.  
Conner.  
Cowell.  
Gibson.  
Greer.

Johnson.  
Kauffman.  
Lattimore.  
Nugent.  
Real.  
Wiley.

Nays—13.

Carter.  
Darwin.  
Hudspeth.  
McGregor.  
McNealus.  
Murray.  
Taylor.

Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.

Present—Not Voting.

Brelsford.

Morrow.

Absent.

Paulus.  
Westbrook.

Willacy.

Pending discussion on the motion, Senator Hudspeth offered the following amendment to the minority committee report:

Amend the minority report by striking out all of said report that refers to recommending legislation in the future prohibiting any corporation from owning and operating both a gin and a cotton seed oil mill. Strike out all of said section in reference thereto.

McGREGOR.  
HUDSPETH.

The amendment was read and, pending discussion,

Senator Warren made the following motion:

Resolved, That the Investigating Committee of Attorney General's department, appointed during the early part of the

season be thanked for the arduous labors performed; that we commend to the attention and consideration of our public officials and of our people the recommendation contained in the reports filed by the majority and minority of said committee, and that the committee be discharged.

Action recurred on the amendment by Senator Hudspeth to the minority committee report and the same was adopted.

Action recurred on the motion by Senator Warren as a substitute to the motion by Senator Carter.

The point of order was made on the substitute by Senator Warren that a substitute could not be substituted for a substitute and the point of order was sustained.

Senator Carter withdraw his motion and the amendment by Senator Warren was adopted.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Collins:

Resolved by the Senate of Texas that we extend our sincere thanks to the faculty, the student body and the alumni of the A. & M. College, and the citizens of College Station and Bryan, for their kind and courteous treatment of those of use who visited said institution on last Saturday—and we extend to them our sincere thanks for the many interesting things shown to us and explained to us at that splendid school.

COLLINS.

REAL.

KAUFFMAN.

BRELSFORD.

DARWIN.

GIBSON.

The resolution was read and adopted.

#### EXECUTIVE MESSAGE — VETOING SENATE BILL NO. 95.

Governor's Office,  
Austin, Texas, March 24, 1913.

To the Senate.

Section 1 of Senate bill No. 95 reads as follows:

"Section 1. One who has heretofore bought or may hereafter buy public free school land on conditions of settlement and occupancy in the counties of Andrews, Bailey, Cameron, Cochran, Crane, Midland, Starr, Terry, Upton, Winkler, Yoakum, Ward, Zavalla, Schleicher, Sutton, Crockett, Val Verde,

Terrell, Pecos, Reeves, Brewster, Presidio, Jeff Davis, Culberson and El Paso, may sell after one year from date of award any portion of said land to another purchaser of forty acres and of one-sixteenth of a section of tract or multiples thereof; said sale to be made and patents to issue in the manner provided in Article 4218K, Revised Civil Statutes of 1895, but such assignee shall complete the residence thereon as provided in Section 6 of the Land Sales Act of 1907, approved May 16, 1907."

It is not believed that this bill is for the public welfare. It undoubtedly would aid individual purchasers of school lands, but if these purchasers are permitted to sell small parts of a section, as is provided in Senate bill No. 95, it might materially effect the public school fund.

In 1907 an act was passed requiring tracts of land to be sold as a whole, and it was then believed practically all of the land of uniform quality had been disposed of, and that the greater amount of that which was unsold at that time was of such varying quality that if it were permitted to be purchased in small parts of sections the good land would be taken and the poorer would be left in the hands of the State and remain unsold. The purchasers of sections of school land, if the act here under discussion should become a law, could sell off the best parts of such tracts at good prices and forfeit the remainder to the State, and the school fund would be the sufferer.

For the reason that I can not consider the bill in the interest of the general public, the same is returned herewith without approval.

Respectfully,  
O. B. COLQUITT,  
Governor of Texas.

#### EXECUTIVE MESSAGE — VETOING SENATE BILL NO. 402.

Governor's Office,  
Austin, Texas, March 24, 1913.

To the Senate:

Senate bill No. 402, which was received in the Governor's office on March 20, creates a new judicial district to be known as the Seventy-sixth, by dividing the Thirteenth District, now composed of Navarro, Limestone and Freestone counties.

The district judge of the Thirteenth District has written a letter to the Senator from the Ninth Senatorial District,

in which he expresses the belief that a new district is not necessary. It has been shown to my satisfaction that the terms of the district court in the counties of Navarro and Limestone are sufficient to dispose of the business in those counties. On account of the construction, in recent years, of railroads through Freestone county, the county has developed and business in the district court has increased. The terms of court in that county ought to be longer in order to dispose of accumulated business. This could be done by a re-arrangement of the terms of holding court in the district, and avoid the expense of an extra judicial district.

In addition, the statutes now provide that the district judge may call a special term of court in any county in his district where one is needed to dispose of accumulated business. By calling such a term of court in either of the three counties in this district any accumulated business could be disposed of.

I am persuaded that the creation of new judicial districts and the appointment of additional judges is not the remedy which is needed for crowded dockets. Bills have been pending in the Legislature providing for reform in pleadings and the dispatch of business in the trial courts. If the Legislature would pass these bills and send them to me for approval, the extra expense of additional judicial districts would not be necessary.

The bill is objected to for three reasons: First, it is unnecessary; second, the statutes provide a remedy for clearing up the docket of each county by the ordering of a special term of court by the present district judge; third, the crowded dockets of those courts are largely due, either to the district judge himself in allowing old business to accumulate and constantly permitting continuances, or to the Legislature in its failure to pass proper legislation to force the expediting of the trial of causes in the district courts.

For these reasons the bills is herewith returned without approval.

Respectfully,  
O. B. COLQUITT,  
Governor of Texas.

#### SENATE BILL NO. 477.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,  
Senate bill No. 477, A bill to be entitled

"An Act to validate the incorporation of the town of Giddings, incorporated for free school purposes only, in Lee county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Astin.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McNealus.	Willacy.

## Absent.

Bailey.	Paulus.
Conner.	Westbrook.
McGregor.	

The bill was read second time and was passed by the following vote:

## Yeas—26.

Astin.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McNealus.	Willacy.

## Absent.

Bailey.	Paulus.
Conner.	Westbrook.
McGregor.	

Senator Watson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 469.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 469, A bill to be entitled "An Act to amend Senate bill No. 233, passed by the Thirty-third Legislature at its Regular Session, entitled 'An Act adding to and making a part of the Slaton Independent School District of Lubbock county certain lands and territory adjoining thereto, situate in Lubbock county, and adding thereto and making a part thereof certain lands and territory adjoining thereto situate in Lynn county, all for school purposes, and declaring an emergency.'"

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was ordered engrossed.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Astin.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McNealus.	Willacy.

## Absent.

Bailey.	Paulus.
Conner.	Westbrook.
McGregor.	

The bill was read third time and was passed by the following vote:

## Yeas—26.

Astin.	Johnson.
Brelsford.	Kauffman.
Carter.	Lattimore.
Collins.	McNealus.
Cowell.	Morrow.
Darwin.	Murray.
Gibson.	Nugent.
Greer.	Real.
Hudspeth.	Taylor.

Terrell.  
Townsend.  
Vaughan.  
Warren.

Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Bailey.  
Conner.  
McGregor.

Paulus.  
Westbrook.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 468.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 468, A bill to be entitled "An Act creating a more efficient road system for Upshur county, Texas, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was ordered engrossed.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.  
Brelsford.  
Carter.  
Collins.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McNealus.

Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Bailey.  
Conner.  
McGregor.

Paulus.  
Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—26.

Astin.  
Brelsford.

Carter.  
Collins.

Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McNealus.  
Morrow.  
Murray.

Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Bailey.  
Conner.  
McGregor.

Paulus.  
Westbrook.

Senator Greer moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE CONCURRENT RESOLUTION NO. 24.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading,

Senate Concurrent Resolution No. 24, To provide for the creation of a commission to report to the Thirty-fourth Legislature of Texas a complete system of judicial reform, providing for the expense of said commission, defining the qualifications and duties of said commissioners, and making an appropriation to carry the same into effect.

The resolution was read third time and adopted.

#### HOUSE BILL NO. 745.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading,

House bill No. 745, A bill to be entitled "An Act to confer upon the county court of Harrison county the civil jurisdiction belonging to said court under the Constitution and General Statutes of Texas, to define the civil jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change, to fix the time of holding said court, and to repeal all laws in conflict with this act, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

## HOUSE BILL NO. 648.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 648, A bill to be entitled "An Act to validate the corporation of the town of Rusk, and all lawful acts done by said town since its attempt to incorporate at an election held on the 23d day of September, 1904, to validate the election of waterworks bonds held February 14, A. D. 1911, and declaring an emergency."

The committee report with (committee) amendment and that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Townsend, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Astin.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McNealus.	

Absent.

Bailey.	Paulus.
Conner.	Westbrook.
McGregor.	Willacy.

The bill was read third time and was passed by the following vote:

Yeas—26.

Astin.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McNealus.	Willacy.

Absent.

Bailey.  
Conner.  
McGregor.

Paulus.  
Westbrook.

Senator Townsend moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## RECESS.

Senator Lattimore made the following motion:

I move that the Senate recess till 2:30 o'clock p. m. and that from now until 3:15 p. m. only local House bills be considered as they come on the calendar.

Senator Wiley moved, as a substitute, that the Senate recess until 2:30 o'clock today.

The substitute motion was adopted.

## AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

## CONSIDERATION OF LOCAL BILLS.

Senator Warren moved that the Senate consider local bills until 3 o'clock today.

The motion was adopted.

Senator Wiley moved that the local House bills be considered in their regular order and the motion was adopted.

## HOUSE BILL NO. 668.

The Chair laid before the Senate, on third reading and regular order,

House bill No. 668, A bill to be entitled "An Act to create a special game law for Smith county, Texas, prohibiting the killing of wild duck, quail and squirrels under certain limitations; providing penalties for violating the provisions of this act, fixing the time when this act shall take effect, and repealing all laws and parts of laws in conflict herewith."

The bill was read third time and was passed.

Senator Greer moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 711.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 711. A bill to be entitled "An Act to amend Section 6 of an act passed by the Twenty-seventh Legislature, as amended by the Twenty-eighth Legislature, as amended by the Thirtieth Legislature, as amended by the Thirty-first Legislature, as amended by the Thirty-second Legislature, creating a special road system for Coryell county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Astin.	Lattimore.
Bailey.	McNealus.
Carter.	Morrow.
Collins.	Murray.
Conner.	Nugent.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Wiley.
Kauffman.	Willacy.

## Absent.

Brelsford.	Taylor.
McGregor.	Terrell.
Paulus.	Westbrook.
Real.	

The bill was read third time and was passed by the following vote:

## Yeas—24.

Bailey.	McNealus.
Carter.	Morrow.
Collins.	Murray.
Conner.	Nugent.
Cowell.	Real.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

## Absent.

Astin.	Taylor.
Brelsford.	Terrell.
McGregor.	Westbrook.
Paulus.	

Senator Watson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 722.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 722. A bill to be entitled "An Act to create a more efficient road system for Madison county, Texas, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Nugent, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Bailey.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
Lattimore.	Wiley.
McNealus.	Willacy.

## Absent.

Astin.	Paulus.
Brelsford.	Westbrook.
McGregor.	

The bill was read third time and was passed by the following vote:

## Yeas—26.

Bailey.	Johnson.
Carter.	Kauffman.
Collins.	Lattimore.
Conner.	McNealus.
Cowell.	Morrow.
Darwin.	Murray.
Gibson.	Nugent.
Greer.	Real.
Hudspeth.	Taylor.

Terrell.  
Townsend.  
Vaughan.  
Warren.

Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Astin.  
Brelsford.  
McGregor.

Paulus.  
Westbrook.

Senator Nugent moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 746.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 746, A bill to be entitled "An Act to authorize and empower Bowie county, or any portion of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county, or portion thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such portion of such county, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of laying out, constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Vaughan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.  
Bailey.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.

Lattimore.  
McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.

Weinert.  
Wiley.

Willacy.

Absent.

Brelsford.  
McGregor.

Paulus.  
Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—27.

Astin.  
Bailey.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McNealus.

Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Brelsford.  
McGregor.

Paulus.  
Westbrook.

Senator Vaughan moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 762.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 762, A bill to be entitled "An Act to create a special and more efficient road system for Collin county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.  
Bailey.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.

Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McNealus.  
Morrow.  
Murray.

Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.

Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Brelsford.  
McGregor.

Paulus.  
Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—27.

Astin.  
Bailey.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McNealus.

Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Brelsford.  
McGregor.

Paulus.  
Westbrook.

Senator Terrell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 774.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 774, A bill to be entitled "An Act to amend Section 1 of Chapter 49 of the Acts of the Twenty-seventh Legislature, creating a more efficient road system for Fayette, Uvalde and Frio counties, as amended by the Thirty-third Legislature by House bill No. 188, which became a law February 25, 1913, so as to apply to Dimmit county."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

#### HOUSE BILL NO. 407.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 407, A bill to be entitled

"An Act creating an independent school district in the counties of Freestone and Navarro, State of Texas, to be known as the Streetman Independent School District, providing for the election of a board of trustees therefor; said district and trustees thereof to have all the rights, powers, duties and privileges granted and imposed under the General Laws of the State to incorporations for free school purposes only, and the trustees thereof, and especially those powers, duties and privileges and rights mentioned in Chapters 16 and 18, Title 48, of the Revised Civil Statutes of 1911, and of Chapter 100 of the General Laws of the Thirty-second Legislature, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.

McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

McGregor.  
Paulus.

Taylor.  
Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—27.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.

Johnson.  
Kauffman.  
Lattimore.  
McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Terrell.  
Townsend.  
Vaughan.

Warren.  
Watson.  
Weinert.

Wiley.  
Willacy.

Absent.

McGregor.  
Paulus.

Taylor.  
Westbrook.

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 572.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 572, A bill to be entitled "An Act to re-define the boundaries of Strawn Independent School District, to validate the incorporation thereof, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.

McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

McGregor.  
Paulus.

Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—28.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.

Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.

Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.

Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

McGregor.  
Paulus.

Westbrook.

Senator Brelsford moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 654.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 654, A bill to be entitled "An Act to amend Sections 2 and 6, of Chapter 36, of the Local and Special Laws of the Regular Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act to validate the Wichita Falls Independent School District, in Wichita county, Texas,' and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Wiley, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.

McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

McGregor.  
Paulus.

Taylor.  
Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—27.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Wiley.
Kauffman.	Willacy.
Lattimore.	

Absent.

McGregor.	Taylor.
Paulus.	Westbrook.

Senator Wiley moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 474.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 474, A bill to be entitled "An Act to restore and confer upon the county court of Zapata county the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Cowell.
Bailey.	Darwin.
Brelsford.	Gibson.
Carter.	Greer.
Collins.	Hudspeth.
Conner.	Johnson.

Kauffman.	Terrell.
Lattimore.	Townsend.
McNealus.	Vaughan.
Morrow.	Warren.
Murray.	Watson.
Nugent.	Weinert.
Real.	Wiley.
Taylor.	Willacy.

Absent.

McGregor.	Westbrook.
Paulus.	

The bill was read third time and was passed by the following vote:

Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

Absent.

McGregor.	Westbrook.
Paulus.	

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 566.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 566, A bill to be entitled "An Act to amend Section 11 of an act entitled 'An Act to create a more efficient road system for Hunt county, in the State of Texas, and making county commissioners ex-officio road commissioners, passed by the Twenty-eighth Legislature; increasing salary of commissioners, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.'"

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Warren, the

constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

Absent.

McGregor.	Westbrook.
Paulus.	

The bill was read third time and was passed by the following vote:

Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

Absent.

McGregor.	Westbrook.
Paulus.	

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 590.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 590, A bill to be entitled "An Act to amend Chapter 18 of the Special Laws of the State of Texas,

passed at the Regular and First Called Sessions of the Twenty-ninth Legislature, and amended by the act of the Thirty-second Legislature, entitled 'An Act creating a more efficient road law for Comanche county, etc.'"

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Conner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

Absent.

McGregor.	Westbrook.
Paulus.	

The bill was read third time and was passed by the following vote:

Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

Absent.

McGregor.	Westbrook.
Paulus.	

Senator Conner moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 665.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order,

House bill No. 665, A bill to be entitled "An Act creating an independent school district to be known as the Rockwall Independent School District, and declaring an emergency."

On motion of Senator McNealus, the Senate rule requiring committee reports to lie over one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

Senator McNealus offered the following amendments, severally, which were read and adopted:

(1)

Amend House bill No. 655, the same being a bill to create the Rockwall Independent School District, by striking out all of the description of the territory first described in said bill, and which description is described in Section 1 of said bill and beginning after the word "towit" in the first paragraph and substitute the following description in lieu of the remaining paragraph in Section 1 and down to Section 2.

Beginning at the N. W. corner of the R. Ballard 320-acre survey on the east bank of the east fork of Trinity river, it being about 360 feet up said stream from Wells bridge;

Thence east with the north line of said survey 4260 feet to its N. E. corner on the west line of the Thomas Dean survey;

Thence south 111 feet to a point in the said west line of the Dean survey 2640 feet north from its S. W. corner;

Thence east across the middle of said Dean survey to the N. W. corner of the Sam'l King 320-acre survey and continuing east with the north line of said King survey to its N. E. corner and across the P. B. Harrison 240-acre survey in all 12,758 feet to the east line of said Harrison survey;

Thence south with the east line of the said Harrison survey 2640 feet to its S. E. corner on the north line the S. E. McCurry 640-acre survey;

Thence east with the north line of the McCurry 3535 feet to its N. E. corner;

Thence south with the east line of the said McCurry survey 2640 feet to a point on the west line of the Wm.

Dalton 640-acre survey 2640 feet north of its S. W. corner.

Thence east with public road across the middle of said Dalton survey to a point on its east line 5325 feet;

Thence south with the east line of the Wm. Dalton survey at 2672 feet its S. E. corner and the N. E. corner of E. M. Elliott survey, and continuing south with its east line at 8132 feet the S. E. corner of the said Elliott survey;

Thence west with the south line of the Elliott and David Harr surveys 5480 feet to N. E. corner of the A. Hanna 251-acre survey;

Thence south 5862 feet with the east line of the A. Hanna and N. M. Ballard surveys to a point in the W. H. Baird survey;

Thence S. 45 degrees W. to the east corner of Joseph Cadle 320-acre survey, and continuing S. 45 deg. W. with the S. E. line to the Joseph Cadle, J. D. McFarland and E. P. G. Chisum surveys 6777 feet to the N. W. corner of Glover Wells survey;

Thence S. 10½ W. 2410 feet to a point in said Wells Survey;

Thence S. 45 W. 1705 feet to the west corner of the W. W. Ford survey;

Thence N. 45 W. at 2190 feet the south corner of James Smith survey, and continuing N. 45 W. with S. W. line of Smith and Wm. Bleavins surveys 10,354 feet to the south line of the M. K. & T. Ry. right of way;

Thence with the south line of said right of way S. 78½ W. 500 feet, and S. 83½ W. 625 feet to the east bank of the east fork of Trinity river;

Thence up said river with its meanders to the place of beginning.

(2)

Amend the House bill No. 665, by adding the following to Section 31: "That all former special laws creating any independent school district within the territory described in this bill are hereby repealed."

The bill was read second time and was passed to a third reading.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.  
Bailey.  
Brelsford.  
Carter.

Collins.  
Conner.  
Cowell.  
Darwin.

Gibson.	Real.
Greer.	Taylor.
Hudspeth.	Terrell.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Warren.
McNealus.	Watson.
Morrow.	Weinert.
Murray.	Wiley.
Nugent.	Willacy.

Absent.

McGregor.	Westbrook.
Paulus.	

The bill was read third time and was passed by the following vote:

Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

Absent.

McGregor.	Westbrook.
Paulus,	

Senator McNealus moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 443, A bill to be entitled "An Act to amend Articles 3827, 3828 and 3830, of Title 57, Chapter 1, of the Revised Civil Statutes of the State of Texas of 1911; prescribing the nature and kind of bond that is required of commission merchants; providing where suit may be brought upon bonds; providing further, that said commission merchant will promptly receive and sell

such produce, goods, wares or merchandise, and class the same; providing that such commission merchant send to the consignor a full and complete account of sales of produce, goods, wares or merchandise received from the consignor; providing that said commission merchant shall, within five days after said produce, goods, wares or merchandise are sold, send to the consignor the full amount received for the same, less the commission due said commission merchant; and providing for a penalty; and by adding to said title and chapter Article 3833, which prescribes the duties of all persons shipping produce, goods, wares or merchandise on consignment to a commission merchant on commission, and declaring an emergency."

House bill No. 570, A bill to be entitled "An Act to provide for the establishment and maintenance of a State training school upon the cottage plan, for incorrigible and delinquent girls of Texas, to locate same and provide for its control and management, and for a board of advisors to determine conditions of admission to and dismissal from said training school, and to make appropriations for its establishment and maintenance."

House bill No. 439, A bill to be entitled "An Act to provide for the construction, maintenance and operation of macadamized, graveled or paved roads, and turnpikes, or in aid thereof, by any county, political subdivision of a county, or a defined district of a county in the State of Texas, and authorizing the issuance of coupon bonds by such counties, political subdivisions of counties and defined districts, to provide funds therefor, validating all existing road districts, repealing conflicting laws, and declaring an emergency."

House bill No. 139, A bill to be entitled "An Act to regulate the employment of children in certain occupations; to provide for the issue of certificates of employment and permits and badges; to require seats to be provided for female employes under twenty-one years of age; to limit the hours of employment of children in certain occupations; to provide for the inspection of factories and other places of employment for the purpose of ascertaining whether or not the children are being employed in violation of this act; and to fix penalties for the violation of this act."

House bill No. 148, A bill to be entitled "An Act to protect the horticultural interests of the State from injury or destruction."

House bill No. 256, A bill to be entitled "An Act to provide for prospecting and developing minerals on land owned by the State of Texas, or by the public free school fund and University and asylums funds and upon such land as the State has heretofore sold or may hereafter sell with reservation of the minerals therein; to provide for the disposal of the minerals and the leasing of the mineral rights in such land and providing the royalties and compensation to be paid to the State therefor; providing penalties for violations of this act; prescribing the terms upon which and the method by which access to mineral deposits may be acquired by condemnation or otherwise; repealing Chapter 1 of Title 93 of the Revised Civil Statutes, adopted in 1911, and declaring an emergency."

House bill No. 370, A bill to be entitled "An Act making an appropriation to make necessary repairs on the roof of the Capitol, and declaring an emergency."

House bill No. 59, A bill to be entitled "An Act to erect memorials to commemorate the unselfish devotion to duty, exalted patriotism and heroic services of Texas soldiers during the war between the States; to provide and create a commission to carry out the provisions of this act and to make an appropriation therefor, and declaring an emergency."

House bill No. 546, A bill to be entitled "An Act to reorganize the Thirty-fifth and Forty-second Judicial Districts of the State of Texas; to name the counties composing said judicial districts, respectively; to fix the time of holding court in the counties of said districts; to provide for the extension and return of process issued out of said courts, and legalizing the same; and providing that grand and petit jurors drawn in any of the courts of said districts shall be considered lawfully drawn and selected for the next term of court under this act, and that bonds and recognizances taken shall bind the parties therein obligated to appear at the next term of court held under this act, and to repeal Section 3, Chapter 17, Acts of the Regular Session of the Twenty-eighth Legislature and so much of Chapter 3, Acts of Second Called Session of Thirty-first Legislature as conflicts herewith, and to repeal all laws and parts of laws in conflict with this act."

House bill No. 683, A bill to be entitled "An Act prescribing and fixing the number of hours that shall constitute

a legal day's work on all work being performed by or on behalf of the State of Texas, or by or on behalf of any county, municipality or other legal or political subdivision of said State; providing for cases of emergency; prescribing penalties for its violation, and expressly repealing an act passed at the Regular Session of the Thirty-second Legislature, known as House bill No. 98, and being the same act that was attempted to be vetoed by the Governor, but which veto was held ineffective by the Supreme Court because the veto message was filed with Secretary of State after the expiration of twenty days as held by the Supreme Court in the case of R. B. Minor et al. vs. C. C. McDonald, Secretary of State; and declaring an emergency."

House bill No. 581, A bill to be entitled "An Act to validate all sales made of and patents issued by the State of Texas, to public school lands sold under the act of the Legislature of the State of Texas, approved July 18, 1879, prior to the first day of October, 1883, with limitation, and declaring an emergency."

House bill No. 25, A bill to be entitled "An Act to carry into effect the provisions of the amendment to Section 51 of Article 3, Constitution of the State of Texas, adopted at an election in said State on the 5th day of November, A. D. 1912, and formally declared to be a part of said Constitution by a proclamation of the Governor of said State issued heretofore on the 30th day of December, A. D. 1913, by providing for the levy of an ad valorem tax of and not exceeding five cents on the one hundred dollars valuation on property in said State for the purpose of creating a special fund for the payment of pensions for services in the Confederate army, navy, frontier organizations, the militia of the State of Texas, and for the widows of soldiers serving in said armies, navies, organizations and militia, and by providing how and under what regulations such fund shall be expended and controlled and how such pensions and the amounts thereof shall be paid to the persons entitled thereto, making the provisions of such bill cumulative of all laws in force in Texas not in conflict therewith, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 577, A bill to be entitled "An Act to authorize the Prison Commissioners of the State of Texas to repair the State Penitentiary Railroad from Rusk, Texas, to Palestine, Texas, to put in bridges, culverts, spurs, connec-

tions and siding as may be necessary, and to purchase engines, express and mail cars, passenger coaches and freight cars, to make an appropriation therefor, and declaring an emergency," with engrossed rider.

House bill No. 580, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station for the purpose of conducting experiments in fruits, vegetables, grains and other farm crops, and studying soil problems in the cross-timber prairie section of North Texas, and disseminating useful information, making necessary appropriation therefor, and declaring an emergency," with engrossed rider.

House bill No. 35, A bill to be entitled "An Act to authorize the Prison Commission to issue \$2,000,00 in bonds, bearing interest at 5 per cent per annum; to provide for the redemption of sale of said bonds; to provide for a lien upon the properties of the penitentiary system to secure said bonds; to provide for the payment of the debts of penitentiary system; to provide for funds for the erection of buildings, for the purchase of lands, machinery, tools and supplies, and the establishment of factories provided for by the act of the Legislature approved the 17th day of September, 1910; to provide funds for the operation of the penitentiary system during the years 1913 and 1914; to provide that this act shall be cumulative of all other laws, and declaring an emergency," with engrossed rider.

House bill No. 75, A bill to be entitled "An Act to amend Chapter 4, Article 476, of the Penal Code of the State of Texas, of the Revised Statutes of 1911, relating to unlawfully carrying arms," with engrossed rider.

House bill No. 728, A bill to be entitled "An Act to create a more efficient road system for Wichita county, in the State of Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of the commissioners courts of said county, and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 706, A bill to be entitled "An Act to create and establish the county of Murphy out of parts of Edwards, Kerr and Bandera counties; prescribing its area and boundaries; appointing commissioners to organize said

county, and prescribing their duties; providing for a division of said county into commissioners and justices precincts; providing for holding county and precinct elections for the election of county and precinct officers, and the location of the county seat of said county; providing for the attachment of said county to judicial, Representative, Senatorial and Congressional and Supreme Judicial Districts; providing for the assessment and collection of taxes, and for the defraying of expenses of organizing said county, and for the new county to pay its pro rata share of the debt of the counties from which it is taken; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 704, A bill to be entitled "An Act to appropriate the sum of \$7,500 for the construction of one 50,000-gallon steel tank to complete sewerage connection to Manual Arts Building with city sewer system, and repair to roof trusses, and roof on the main building of the Southwest Texas State Normal School at San Marcos, and declaring an emergency."

House bill No. 845, A bill to be entitled "An Act creating the George Independent School District in Madison county, Texas, defining its metes and bounds, for a board of trustees therefor, vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency."

House bill No. 755, A bill to be entitled "An Act to amend an act entitled 'An Act incorporating the San Antonio Independent School District, authorizing the election of trustees, which trustees shall be known as the San Antonio School Board; giving said districts, through its trustees, the power to make contracts, to be a party to actions in courts without giving bond, either original or on appeal; exempting said district from the levy of executions, attachments or garnishments, exempting it from liability from damages for personal injuries, authorizing it to receive gifts, grants, conveyances, donations or devices for the use of the public free schools of said Independent School District, giving it power to levy taxes, to issue and dispose of bonds and provide for the payment of same, and validating all bonds heretofore issued by the San Antonio School Board, by virtue of Chapter 29 of the Special Laws of the Thirtieth Legislature; validating, ratifying and confirming all official acts of the San Antonio School Board hereto-

fore done and approved under and by virtue of said act aforesaid; giving said independent school district, through its trustees, the power to manage and control the public free schools within said district and to do all things authorized by this act; repealing Chapter 29 of the Special Laws of the Thirtieth Legislature, incorporating the Independent School District of San Antonio, and also any special or general laws in conflict with the provisions of this act; and declaring an emergency: approved March 18, 1909, increasing the number of trustees of said school board to nine; changing the qualifications for membership of said board; increasing their terms of office; more specifically defining the power of said board; changing the limitations on the power of said board to issue bonds; conferring upon said board the power of eminent domain and repealing all laws in conflict with this amended act," with engrossed rider.

House bill No. 842, A bill to be entitled "An Act to incorporate the Clarksville Independent School District in Red River county for free school purposes only; describing its boundaries; divesting the city of Clarksville of the control of its public schools and title to school property, and vesting the same in the said Clarksville Independent School District, and its board of trustees; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of said Clarksville Independent School District and its board of school trustees; providing for a treasurer of school funds of the district, and declaring an emergency."

House bill No. 841, A bill to be entitled "An Act creating the Pearsall Independent School District in Frio county, Texas, including the town of Pearsall incorporated for school purposes under General Laws of 1891; providing that the bonded indebtedness created by said town of Pearsall shall not be a charge upon the new territory added thereto by this act, and no tax shall be levied on said new territory for payment of said indebtedness, providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees thereof, and declaring an emergency."

House bill No. 836, A bill to be entitled

"An Act to amend Chapter 6, Article 7235, Revised Civil Statutes of the State of Texas, 1911, giving Henderson county or any political subdivision or defined district, now or hereafter created, the right to vote a general stock law."

House bill No. 832, A bill to be entitled "An Act to authorize and empower Bandera county, or any political subdivision or defined district, now or hereafter to be described and defined, of said county, by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, or defined district, now or hereafter to be described and defined, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision or defined district, and to levy and collect taxes, to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or graded roads and turnpikes, or in aid thereof, and authorizing the commissioners court of said county to describe and define road districts therein; creating the office of county road superintendent; prescribing his duties and providing for his compensation; providing for the working of county convicts on the roads of said county; to provide for the summoning of road hands and teams for road work, and for allowance of time for road service for same, and fixing penalties for violation of any of the provisions of this act; repealing all laws in conflict with this act as applied to Bandera county, and declaring an emergency."

The House adopts Free Conference Committee report on Senate bill No. 6 by the following vote: yeas, 96; nays, 3.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 832, referred to Committee on Roads, Bridges and Ferries.

House bill No. 836, referred to Committee on Stock and Stock Raising.

House bill No. 841, referred to Committee on Educational Affairs.

House bill No. 577, referred to Committee on Penitentiary Affairs.

House bill No. 580, referred to Committee on Agricultural Affairs.

House bill No. 35, referred to Committee on Finance.

House bill No. 75, referred to Judiciary Committee No. 2.

House bill No. 728, referred to Committee on Roads, Bridges and Ferries.

House bill No. 706, referred to Committee on Counties and County Boundaries.

House bill No. 704, referred to Committee on Finance.

House bill No. 845, referred to Committee on Educational Affairs.

House bill No. 842, referred to Committee on Educational Affairs.

House bill No. 443, referred to Committee on Commerce and Manufactures.

House bill No. 570, referred to Committee on Educational Affairs.

House bill No. 439, referred to Committee on Roads, Bridges and Ferries.

House bill No. 139, referred to Committee on Labor.

House bill No. 755, referred to Committee on Educational Affairs.

House bill No. 148, referred to Committee on Agricultural Affairs.

House bill No. 25, referred to Committee on Finance.

House bill No. 581, referred to Committee on Public Lands and Land Office.

House bill No. 683, referred to Committee on Labor.

House bill No. 546, referred to Committee on Judicial Districts.

House bill No. 59, referred to Committee on Finance.

House bill No. 370, referred to Committee on Finance.

House bill No. 256, referred to Committee on Mining and Irrigation.

#### FURTHER CONSIDERATION OF LOCAL BILLS.

On motion of Senator Townsend, the time for consideration of local House bills was extended for 20 minutes.

#### HOUSE BILL NO. 627.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 627, A bill to be entitled "An Act to permit the people of Leon county to levy a tax in any political subdivision or defined district, for the purpose of building or improving their roads, instead of issuing bonds for such

purposes, if the people of such political subdivision or defined district so desire; and permitting the political subdivisions or defined districts which have already issued bonds and built their roads to levy a sufficient tax to maintain their roads."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Nugent, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus.

Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus.

Westbrook.

Senator Nugent moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 647.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 647, A bill to be entitled "An Act to establish a separate system of public roads and bridges for Tarrant county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Lattimore offered the following amendment, which was adopted:

Amend House bill No. 647, Section 4, by striking out the last two lines thereof, and in Section 5 by striking out the word "shall" in the first line of said section and insert in lieu thereof the word "may," and in Section 8 by striking out the word "first" in line five of said section, and in Section 9 by inserting after the word "present" in the second line of said section inserting the following "at once being to," and in Section 16, in line 10 of said section by striking out the word "to" and inserting the word "shall" in lieu, and by striking out the word "ten" in line 13 of said section and insert in lieu thereof the word "five," and in line 16 of said section by inserting after the word "engineer" the following: "or said court," and in line 19 of said section by striking out the word "such" and inserting in lieu thereof the word "sum," and by inserting in line 3 of Section 17 after the word "shall" the word "wilfully," and by inserting in line 1, Section 19a, after the word "be" the following: "as nearly as practicable," and by inserting in line 6, Section 21, before the parenthesis the following: "those desiring to vote against the resolution shall have printed or written on their tickets the words: 'against the resolution to issue bonds to . . . . .', and by inserting in line 6, Section 26, after the word "engineer" the words "or court," and by striking out in line 10, Section 26, the word "members," and by inserting the word "commissioners" and by inserting in line 19 of said section, after the word "bonds" the following: "and other than moneys now apportioned by orders of said court," and by striking out the word "members" in line 20 of said section and inserting in lieu thereof the word "commissioner," and by inserting in line 26 of said section after the word "engineer" the words "or court" and in line 12, Section 27, by striking out the word "day" and inserting in lieu thereof the word "week," and by inserting the word "or court" after the word "engineer" in line 32 of said section, and by striking out the last paragraph in

said section and by inserting in line 17, Section 31, before the word "violate" the word "wilfully," and by adding to Section 38 the following: "and which appear in the minutes of said court."

The bill was read second time and was passed to a third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus.

Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus.

Westbrook.

Senator Lattimore moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 662.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 662. A bill to be entitled "An Act to create a more efficient road commission for Knox county, Texas, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

# HOUSE BILL NO. 689.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 689, A bill to be entitled "An Act to create a more efficient road system for Cameron county, Texas, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 695.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 695, A bill to be entitled "An Act to authorize and empower Navarro county, or any political subdivision or defined district, now or hereafter to be described and defined, of said county, by a vote of a two-thirds majority of the resident property taxpayers qualified voters of said county or political subdivision thereof or defined district now or hereafter to be described and defined voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision or defined district, and to levy and collect taxes to pay the interest on such bonds, and provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating of macadamized, graveled or paved roads and turnpikes, or in aid thereof, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

The bill was read third time and was passed by the following vote:

Yeas—29.

Astin.	Collins.
Bailey.	Conner.
Brelsford.	Cowell.
Carter.	Darwin.

Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McGregor.  
McNealus.  
Morrow.  
Murray.  
Nugent.

Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Paulus.

Westbrook.

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 731.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 731, A bill to be entitled "An Act to amend Section 19, of Chapter 1, Special Laws of Texas, as passed by the Twenty-ninth Legislature, as amended by an act of the Thirty-first Legislature, approved March 16, 1909, and being an act to create a more efficient road system for Archer county, Texas, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

The bill was read third time and was passed by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 766.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 766, A bill to be entitled "An Act to incorporate the McGregor Independent School District in McLennan county, for free school purposes only; describing its boundaries, divesting the city of McGregor of the control of its public schools and title to school property, and vesting the same in the said McGregor Independent School District and its board of school trustees."

The bill was read and laid on the table subject to call.

## HOUSE BILL NO. 771.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 771, A bill to be entitled "An Act to amend Section 9, Chapter 72, laws of 1901, entitled 'An Act to create a more efficient road system for Karnes county, Texas, and declaring an emergency.'"

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

The bill was read third time and passed by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

Senator Murray moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

On motion of Senator Kauffman the time for considering local bills was extended ten minutes.

## HOUSE BILL NO. 800.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 800, A bill to be entitled "An Act to create a more efficient road law for Jackson county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

## Absent.

Paulus. Westbrook.

The bill was read third time and passed by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

## Absent.

Paulus. Westbrook.

Senator Murray moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 702.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 702, A bill to be entitled "An Act to amend Section 2, Chapter 49, page 45, of the General Laws passed at the Regular Session of the Thirty-first Legislature, and amended by the

Thirty-second Legislature, Section 2, Chapter 113, page 323, Regular Session, relating to the taking of fish, the purpose of the amendment being to exempt Franklin county from the operation of this act, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Darwin offered the following amendment, which was read and adopted:

Amend the bill by inserting the word "cost" after the word "Bowie" in the bill.

The bill was read second time and passed to a third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

## Absent.

Paulus. Westbrook.

The bill was read third time and passed by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

## Absent.

Paulus. Westbrook.

Senator Darwin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 819.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 819, A bill to be entitled "An Act to amend Section 2, Chapter 78, of the General Laws, exempting Wood county in regard to the taking of fish."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

#### Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

The bill was read third time and passed by the following vote:

#### Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus.

Westbrook.

Senator Greer moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 575.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 575, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Stonewall county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

#### Yeas—28.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

Absent.

McGregor. Paulus.  
Westbrook.

The bill was read third time and passed by the following vote:

#### Yeas—28.

Astin.	Hudspeth.
Bailey.	Johnson.
Brelsford.	Kauffman.
Carter.	Lattimore.
Collins.	McNealus.
Conner.	Morrow.
Cowell.	Murray.
Darwin.	Nugent.
Gibson.	Real.
Greer.	Taylor.

Terrell.  
Townsend.  
Vaughan.  
Warren.

Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

McGregor.  
Paulus.

Westbrook.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

On motion of Senator McNealus, the time for considering local House bills was extended twenty minutes.

#### HOUSE BILL NO. 576.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 576, A bill to be entitled "An Act to exempt the counties of Stonewall, Kent, Scurry and Fisher from the provisions and operations of Articles 7256 to 7305, inclusive, of Chapter 7, Title 124, of the Revised Civil Statutes of 1911, relating to the inspection of hides and animals, and repealing all laws in conflict therewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.

McNealus.  
Morrow.  
Murray.  
Nugent.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

McGregor.  
Paulus.

Real.  
Westbrook.

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.

McNealus.  
Morrow.  
Murray.  
Nugent.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

McGregor.  
Paulus.

Real.  
Westbrook.

Senator Brelsford moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 385.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 385, A bill to be entitled "An Act to amend Article 7305 of the Revised Civil Statutes of Texas of 1911, relating to the inspection of hides and animals, so as to include among the counties exempted from the provisions of Articles 7256 to 7304, inclusive, the counties of Cameron and Starr."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.

Johnson.  
Kauffman.  
Lattimore.  
McNealus.  
Morrow.  
Murray.  
Nugent.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.

Warren.  
Watson.  
Weinert.

Wiley.  
Willacy.

Absent.

McGregor.  
Paulus.

Real.  
Westbrook.

The bill was read third time and passed by the following vote:

Yeas—29.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McGregor.

McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Paulus. Westbrook.

Senator Willacy moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 720.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 720, A bill to be entitled "An Act to create a more efficient road system for Howard county, Texas, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.

Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.

McGregor.  
McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.

Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Paulus. Westbrook.

The bill was read third time and passed by the following vote:

Yeas—29.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McGregor.

McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Weinert.  
Wiley.  
Willacy.

Absent.

Paulus. Westbrook.

Senator Brelsford moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 795.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 795, A bill to be entitled "An Act to repeal Chapter 93, of the Special Laws of the State of Texas, passed by the Thirtieth Legislature, approved April 17, 1907, so far as same applies to Jasper county, and to repeal Chapter 95 of the Special Laws of the State of Texas, passed by the Thirty-first Legislature, approved March 16, 1909, and providing that the general road law of the State of Texas shall be in effect in Jasper county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read

on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

## Absent.

Paulus. Westbrook.

The bill was read third time and passed by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

## Absent.

Paulus. Westbrook.

Senator Collins moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 805.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 805, A bill to be entitled "An Act to provide compensation for the county commissioners and county judge of Galveston county and to provide payment therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Kauffman, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

## Absent.

Paulus. Westbrook.

The bill was read third time and passed by the following vote:

## Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

## Absent.

Paulus. Westbrook.

Senator Kauffman moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 810.

The Chair laid before the Senate, on second reading and regular order, House bill No. 810, A bill to be entitled

"An Act providing for a special road law for the maintenance of the public roads in Titus county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

The bill was read third time and passed by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Paulus. Westbrook.

Senator Darwin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

# HOUSE BILL NO. 828.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 828, A bill to be entitled "An Act to amend Section 16, of Chapter 21, of the Local and Special Laws of the Thirty-first Legislature, Regular Session, approved March 8, 1909, entitled 'An Act to repeal Chapter 31, of the Local and Special Laws of the Thirtieth Legislature of Texas, creating a special road system for Williamson county, Texas, and approved March 20, 1907, and to create a more efficient road system for Williamson county, Texas, and declaring an emergency.'"

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator McGregor, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

Absent.

Paulus. Westbrook.  
Real.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Johnson.
Bailey.	Kauffman.
Brelsford.	Lattimore.
Carter.	McGregor.
Collins.	McNealus.
Conner.	Morrow.
Cowell.	Murray.
Darwin.	Nugent.
Gibson.	Real.
Greer.	Taylor.
Hudspeth.	Terrell.

Townsend.  
Vaughan.  
Warren.

Watson.  
Wiley.  
Willacy.

Absent.

Paulus.  
Weinert.

Westbrook.

Senator McGregor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 830.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 830, A bill to be entitled "An Act to create a more efficient road system for San Augustine county, Texas, repealing the general road laws where in conflict with this act and making this act cumulative of all General Laws not in conflict, etc., and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.

McGregor.  
McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Wiley.  
Willacy.

Absent.

Paulus.  
Weinert.

Westbrook.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.

Bailey.

Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Gibson.  
Greer.  
Hudspeth.  
Johnson.  
Kauffman.  
Lattimore.  
McGregor.

McNealus.  
Morrow.  
Murray.  
Nugent.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Watson.  
Wiley.  
Willacy.

Absent.

Paulus.  
Weinert.

Westbrook.

Senator Collins moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 883, A bill to be entitled "An Act to create a more efficient road system for Liberty county, Texas, and declaring an emergency."

House bill No. 873, A bill to be entitled "An Act creating a more efficient road system for Upshur county, Texas: prescribing the powers and duties of the county commissioners court with reference to public roads; making members of the commissioners court ex-officio road superintendents of their respective precincts; and defining and prescribing their powers and duties as such; prescribing the powers and duties of road overseers, designating who are liable to road service, prescribing their duties and privileges, prescribing additional revenue for the maintenance of roads by additional ad valorem tax and issuance of bonds for road and bridge purposes, prescribing how road and bridge funds shall be expended; prescribing penalties for the violation of the provisions of this act; providing that this act be cumulative of all laws on the subject of roads and bridges, and that it be taken notice of by the courts as all other general laws of the State; repealing all laws in conflict, and declaring an emergency."

House bill No. 861, A bill to be entitled "An Act providing for a special road law for Sabine county; authorizing the qualified voters thereof by an election held therefor to create the office of superintendent of public roads and bridges; defining his powers, duties and qualifications, giving the commissioners court of said county authority to fix other qualifications than those specified, and declaring an emergency."

House bill No. 870, A bill to be entitled "An Act creating the Tolar Independent School District in Hood county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor; providing that the present maintenance tax of the Tolar Independent School District shall apply in the new district, and declaring an emergency."

House bill No. 869, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries, providing for a board of school trustees for the control and management of the said independent school district, prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District, its board of school trustees, providing for a treasurer of school funds of the district, and declaring an emergency."

House bill No. 868, A bill to be entitled "An Act to create a more efficient road law for Wharton county; fixing the per diem of the members of the commissioners court when acting as road commissioners; prescribing an allowance for team hire for members of said court, and declaring an emergency."

House bill No. 852, A bill to be entitled "An Act to create a more efficient road system for Henderson county, Texas, and declaring an emergency."

House bill No. 855, A bill to be entitled "An Act to create a more efficient road system for Wilbarger county, and repealing all laws and parts of laws in conflict therewith."

House bill No. 354, A bill to be entitled "An Act to define habitual drunkenness, to provide for the admission of habitual drunkards into and parole of habitual drunkards from the asylums, and providing judicial proceedings in cases of habitual drunkards and fixing the period of time that habitual drunkards shall be confined in the asylum and for their

discharge therefrom, and declaring an emergency," with engrossed rider.

House bill No. 738, A bill to be entitled "An Act to create the Utopia Independent School District, known as Common School Districts No. 6, in Uvalde county, Texas, and No. 11, in Bandera county, Texas; to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining schoolhouses, maintaining public free schools, and declaring an emergency," with engrossed rider.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 883, referred to Committee on Roads, Bridges and Ferries.

House bill No. 852, referred to Committee on Roads, Bridges and Ferries.

House bill No. 855, referred to Committee on Roads, Bridges and Ferries.

House bill No. 354, referred to Committee on State Asylums.

House bill No. 738, referred to Committee on Educational Affairs.

House bill No. 873, referred to Committee on Roads, Bridges and Ferries.

House bill No. 861, referred to Committee on Roads, Bridges and Ferries.

House bill No. 870, referred to Committee on Educational Affairs.

House bill No. 869, referred to Committee on Educational Affairs.

House bill No. 868, referred to Committee on Roads, Bridges and Ferries.

#### SENATE BILL NO. 455.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order.

Senate bill No. 455, A bill to be entitled "An Act granting permission to Imperial Sugar Company, a corporation incorporated under and by virtue of the laws of the State of Texas, located at Sugar Land, Fort Bend county, to bring suit in the district court of Travis county, Texas, against the State of Texas for the recovery of certain sums of money advanced for merchandise and personal property sold and delivered to the Board of Prison Commissioners of the State of Texas, and declaring an emergency."

The bill was read second time and ordered engrossed.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Astin.	Lattimore.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Murray.
Collins.	Nugent.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Johnson.	Wiley.
Kauffman.	Willacy.

Nays—1.

Morrow.

Absent.

Hudspeth.	Watson.
Paulus.	Weinert.
Real	Westbrook.

The bill was read third time and passed by the following vote:

Yeas—25.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Johnson.	Wiley.
Kauffman.	Willacy.
Lattimore.	

Nays—2.

Morrow. Vaughan.

Absent.

Hudspeth.	Real.
Paulus.	Weinert.

Senator Bailey moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 141.

Senate bill No. 83 being the special

order, by unanimous consent, on request of Senator Townsend,

The Chair laid before the Senate, on second reading,

Senate bill No. 141, A bill to be entitled "An Act to amend Articles 7733, 7740, 7743 and 7744 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature and to prescribe what the pleadings of plaintiff and defendant in cases of trespass to try title shall contain, and to fix the time for demanding and filing abstracts of title, and declaring an emergency."

Senator Wiley offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 17, by striking out the word "ten" and insert the word "twenty," and strike out the word "ten" in line 22 and insert the word "twenty."

Senator Morrow offered the following amendment, which was read and adopted:

Amend by striking out line 9, page 2, the following: "title by heirship."

Senator Collins offered the following amendment:

Amend the bill as follows: By striking out the following: "outstanding title" in line 10, page 2.

Senator Lattimore offered the following substitute for the amendment:

Amend bill, page 2, by striking out all of line 9, after the words "defense of" and by striking out all of the remainder of said section except the words "limitation which defense shall be specially pleaded."

The substitute was adopted and the amendment, as substituted, was adopted.

On motion of Senator Townsend, further consideration of the bill was postponed and laid on the table subject to call.

#### SENATE BILL NO. 387.

Senator Gibson moved that the special order of business (Senate bill No. 60) be suspended, and the Senate take up, out of its order, Senate bill No. 387.

The motion was adopted by the following vote, a two-thirds vote being necessary:

Yeas—20.

Bailey.	Kauffman.
Brelsford.	Lattimore.
Carter.	McGregor.
Cowell.	Murray.
Darwin.	Nugent.
Gibson.	Real.
Hudspeth.	Taylor.
Johnson.	Warren.

Watson.  
Westbrook.

Wiley.  
Willacy.

Nays—8.

Astin.  
Collins.  
Greer.  
McNealus.

Morrow.  
Terrell.  
Townsend.  
Vaughan.

Absent.

Conner.  
Paulus.

Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 387, A bill to be entitled "An Act to repeal Chapter 9 of the General Laws of the Fourth Called Session of the Thirty-first Legislature of the State of Texas, approved September 6, 1910, known as the State Insurance law, and to provide conditions upon which fire insurance companies may hereafter transact business in the State of Texas, and to create the State Fire Insurance Commission, and to prescribe its duties and authority, and the duties and authority of each member thereof, and to fix the salaries of the members, and to provide for their appointment and removal, and to provide that hereafter the rate of premiums to be charged by fire insurance companies in this State shall be fixed and determined and promulgated exclusively by said State Fire Insurance Commission, and to prohibit any such fire insurance company from collecting or receiving any premiums on account of policies of fire insurance issued by them unless the rates of such premiums have been so fixed and determined and promulgated by said State Fire Insurance Commission; to provide certain conditions and limitations on fire insurance contracts or policies, and providing penalties for violations of provisions of this act, and appropriating money necessary to carry out its provisions, and declaring an emergency."

Senator Watson offered the following amendment:

Amend Senate bill No. 387, page 21, by striking out Section 29, and insert in lieu thereof the following:

"Sec. 29. There shall be assessed and collected by the State of Texas an additional one and one-quarter (1¼) per cent of the gross premium on all fire insurance companies doing business in this State, according to the reports made to the Commissioner of Insurance and Banking, as required by law; and said taxes when collected shall be placed in

a separate fund with the State Treasurer to be expended during the current year in carrying out the provisions of this act; and should said amount collected be more than necessary to pay all expenses, the State Fire Insurance Commission may reduce the rate for the next succeeding year, so that no more money will be collected than is necessary, to pay all necessary expenses of maintaining the commission, which funds shall be paid out on warrants issued by the commission."

Senator Brelsford offered the following substitute for the amendment:

Amend the bill by striking out all of bill after subdivision 1, and after the words "hereby repealed," page 24.

BRELSFORD,  
TERRELL,  
GREER,  
WILEY.

Senator Watson made the point of order that the substitute was not germane as a substitute, and the Chair sustained the point of order.

(President Pro Tem. Lattimore in the chair.)

Senator McNealus called for the reading of the bill in full, and the Chair held that after a bill had been laid before the Senate and an amendment offered the calling for the reading of the bill in full came too late.

The amendment by Senator Watson was adopted.

Senator Taylor offered the following amendment:

Amend the bill, page 6, by striking out Section 8 and inserting the following in lieu thereof, sections to be numbered in conformity therewith:

"Sec. 6. The State Marshal of the State Insurance Board, who, for the purpose of this act, may be referred to as the State Fire Marshal, shall appoint a first deputy fire marshal, who shall receive an annual salary of \$2000. Such first deputy fire marshal shall in the absence of the State Fire Marshal, discharge all of the duties of State Fire Marshal. The State Fire Marshal shall appoint such other deputies, assistants and clerks as may be required for the purpose of enforcing the provisions of this act, and such deputies and assistants, when appointed, shall have the same authority as is herein delegated to the State Fire Marshal.

"Sec. 7. The State Fire Marshal is hereby authorized to distribute and station throughout the State the deputies,

assistants and clerks appointed by him, in any manner he may deem proper for the purpose of facilitating the work of enforcing the provisions of this act.

"Sec. 8. It shall be the duty of the chief of the fire department of each city or town in this State in which a fire department is established; the mayor of every incorporated town not having a fire department; and the justice of the peace of every justice precinct in this State in which no incorporated town is located, and in which there is no regularly organized fire department, to investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in his respective city, town or precinct, and shall report at once the result of such investigation to the State Fire Marshal, and shall receive as compensation for the performance of the duties above set forth, the sum of fifty cents for each fire so reported, which compensation shall be paid out of the funds herein provided for the maintenance of the State Insurance Board.

"Sec. 9. The State Fire Marshal shall keep in his office a record of all fires occurring in this State, and of all the facts concerning the same, including statistics as to the extent of such fires, the damage caused thereby and whether such losses were covered by insurance, and, if so, in what amount. Such records shall be made from the reports made to him as provided for in Section 8 of this act, and all such records shall be public.

"Sec. 10. It shall be the duty of the State Fire Marshal to forthwith investigate, at the place of such fire, the origin, cause and circumstances of any fire occurring within this State whereby property has been destroyed or damaged, and shall ascertain, if possible, whether the same was the result of any accident, carelessness or design. And the State Fire Marshal shall have the authority to administer oaths, take testimony, compel the attendance of witnesses and the production of documents.

"Sec. 11. When in the opinion of the State Fire Marshal further investigation is necessary he shall take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination as herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the

attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall arrest or cause to be arrested such person, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses, and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

"Sec. 12. All investigations held by or under the direction of the State Fire Marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined, and all testimony taken in an investigation under the provisions of this act may, at the discretion of the State Fire Marshal be withheld from the public.

"Sec. 13. He shall have the power to enter, at any reasonable time, any buildings or premises where a fire occurred or is in progress, or any place contiguous thereto for the purpose of investigating the cause, origin and circumstances of such fire. And the State Fire Marshal, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall at all reasonable hours, for the purpose of examination, enter into and upon all buildings and premises within this State, and it shall be his duty to enter upon and make, or cause to be entered upon and made, a thorough examination of mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair, or by reason of age, or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or is so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosine, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions

which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of such building or premises, and the State Fire Marshal is hereby authorized when necessary to apply to a court of competent jurisdiction for the necessary writs or orders to enforce the provisions of this section, and in such case he shall not be required to give bond.

"Sec. 14. No action taken by the State Fire Marshal shall affect the rights of any policy holder or any company in respect to a loss by reason of any fire so investigated; nor shall the result of any investigation be given in evidence upon the trial of any civil action upon such policy, nor shall any statement made by any insurance company, its officers, agents or adjusters, nor by any policy holder or any one representing him, made with reference to the origin, cause or supposed origin or cause, of a fire to the State Fire Marshal or to anyone acting for him or under his directions, be admitted in evidence or made the basis for any civil action for damages."

TERRELL,  
TAYLOR.

(Lieutenant Governor Mayes in the chair.)

Senator Lattimore moved that the further consideration of the bill be postponed and that the amendment be printed in the Journal.

Pending.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Brelsford:

Whereas, The San Antonio Express, under date of March 23rd and in its issue of March 24th, contains the following statement in its staff special from Austin:

"Austin, Texas, March 23.—One of the prominent and reliable members of the House of Representatives said to the Express:

"A member of the Free Conference Committee that brought in this abortion in the congressional redistricting bill told me in plain terms that, during the executive sessions of the committee, one

of the members had bluntly confessed he was on the committee for the purpose of looking after the interests of a certain Congressman. Another member, my informant told me, had answered this by saying he got on the committee for the express purpose of chopping off the political head of one of the present Congressmen."

"These are just some of the reports that are being carried out of Austin and into the remotest parts of the State. They help to explain the seething indignation which the bill has met in many quarters and go far to show the origin of the determined and organized opposition the whole matter confronts.

"It is not certain today just when the bill will be brought before the House for action, though, if its friends deem it wise, it will certainly come Monday. They realize that time is precious and that every hour the measure is discussed but adds to the formidable antagonism being aroused against its provisions"; and

Whereas, The following members of said committee on the part of the Senate, either one or all of them were present at all of the sessions of said committee, and

Whereas, Said statement is untrue, unjust and inflammatory and calculated and intended to arouse prejudice against the acts of said committee and tends to bring the committee of this Senate, as well as this Senate, into disrepute, therefore

We, the undersigned members, on behalf of the Senate Free Conference Committee on the Congressional Redistricting bill, here now state upon our individual honor that no such statement was ever made at any time by any of the members of said committee on behalf of the Senate; and we each state upon our individual responsibility and honor as Senators that we never at any time heard any such statement, either in substance or in words, made by any of the conferees on the part of the House; and we deem it due to ourselves and to this Senate that this statement be made and that such further action as the Senate may see fit to take in the premises may be had in the discretion of the Senate.

HUDSPETH,  
WATSON,  
VAUGHAN,  
WILEY,  
BRELSFORD.

The above was read to the Senate and is printed here by order of the Senate.

#### EXECUTIVE MESSAGE.

Governor's Office,  
Austin, Texas, March 24, 1913.

To the Senate:

I ask the advice and consent of the Senate to the appointment of the accompanying list of Notaries Public for the various counties in the State.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

(Note.—The list of notaries public were printed as an appendix to the daily Journal of March 27 and as confirmed as appendix to Journal of March 31.)

#### EXECUTIVE MESSAGE — VETOING SENATE BILL NO. 54.

Governor's Office,  
Austin, Texas, March 24, 1913.

To the Senate:

I return herewith, without approval, Senate bill No. 54, the same being

"An Act providing for the regulation and control of hospitals maintained or established or conducted by means of funds derived from the deduction from the wages of or collections from the employes of railway companies or receivers thereof, providing that the collections or possessors of such funds and property in which such funds have been invested shall be trustees thereof for the benefit of such employes, and providing for the selection of the members of the boards for the management of such hospitals, and for the powers of such boards, for the free transportation of sick and injured employes to and from such hospitals, and fixing penalties for violation, and providing for the collection of such penalties, and providing an emergency."

On March 19 I sent to the Senate a message pointing out objections to this measure, one of which is that it provides for the election of nine directors, six of whom are to be chosen by the employes of the railway company and to be selected by an election to be held at terminals of such railway company. It

has been made to fairly appear that a very considerable majority, perhaps as much as eighty per cent of all the employes of railway companies belong to what is known as the unorganized class of laborers; that these are in the main far removed from terminals, and contribute the greater portion of the expense of maintaining these hospitals and would have practically no voice in the selection of directors to represent them if the holding of an election for same was confined to terminal points.

I suggested that this provision be amended so as to provide for the election, at some given time, of the directors to represent the employes, on some general pay day at which time every employe of the company could exercise an equal voice and determine who should be his representatives on the board of hospital control. I suggested further that the employes of the railway company should have an equal number of representatives on the boards of control, and that these representatives of the company and the employes, acting together, should select an additional member who should be neither an employe or connected with the railway company. This, it seems to me, ought to insure fair management and just treatment to all concerned.

Objection was further made to Section 9 of the bill which would make a railway company, furnishing hospital service at its own expense and free of cost to its employes, liable for all oversights or shortcomings, or alleged errors and mistakes of nurses and surgeons.

If the Legislature could have seen its way clear to meet these objections, I think the bill would have been helpful to both sides. This is the last day upon which I have to consider this measure, under the Constitution. The bill not having been recalled for further consideration, I return it herewith without approval for the reasons above given.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### RECESS.

On motion of Senator Morrow the Senate, at 6:45 o'clock p. m., recessed until 8:30 o'clock tonight.

## AFTER RECESS.

(Night Session.)

The Senate was called to order by President Pro Tem. Lattimore.

## HOUSE BILL NO. 13.

(By Senator Real.)

The Chair laid before the Senate, on second reading,

House bill No. 13, A bill to be entitled "An Act authorizing cities having more than five thousand inhabitants, by a majority vote of the qualified voters of said city, at an election held for that purpose, to adopt and amend their charters, subject to such limitations as may be prescribed by the Legislature; and enumerating certain powers, and providing same shall not be exclusive of other powers granted under the Constitution and laws of this State; and providing the method by which said election may be held, and declaring an emergency."

The committee report was adopted.

The bill was read, and Senator Warren offered the following amendments, severally, which were read and adopted:

(1)

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That cities having more than 5000 inhabitants may, by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject to such limitations as may be prescribed by the Legislature, and providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State; said cities may levy, assess and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year, which shall exceed two and one-half per cent of the taxable property of such city, and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two per cent thereon; and providing further, that no city charter shall be altered, amended or repealed oftener than every two years.

Sec. 2. That the governing authority

of any city having more than 5000 inhabitants shall provide by ordinance, in accordance with the provisions of Section 1 of this act, the manner, form and method of preparing, submitting and adopting a new charter or any amendment to its existing charter. Provided, that upon petition of fifteen per cent of the qualified voters of said city, as shown by the county tax collector's latest poll tax list of the registered electors of said city, asking for the submission of an amendment or amendments to the existing charter, the city council or other governing authority shall submit said amendment or amendments to a vote of the qualified electors at an election to be called for that purpose, and if a majority of the legal votes cast at such election shall favor the adoption of such amendment or amendments or any of them, then said amendment so receiving such majority shall become thereby a valid part of the city charter.

Sec. 3. That upon the adoption of any such charter or any amendment to any existing charter by the qualified voters, as provided in Section 1 of this act, it shall be the duty of the mayor or chief executive officer exercising like or similar powers of any such city, as soon as practicable after the adoption of any such charter or amendment, to certify to the Secretary of State an authenticated copy, under the seal of the city, showing the approval by the qualified voters of any such charter or amendment; and the Secretary of State shall thereupon file and record the same in a separate book to be kept in his office for such purpose; provided that the Secretary of State shall not be allowed to charge any greater fee for the recording of any such charter or amendment than fifteen (15) cents per hundred words, provided such fee shall not be less than two dollars (\$2.00). That it shall be the duty of the city secretary of any such city or other officer exercising like or similar powers, upon the adoption and approval of any such charter or any amendment thereof by the qualified voters as herein provided, to record at length upon the records of the city, in a separate book to be kept in his office for such purpose, any such charter or amendment so adopted. That when said charter or any amendment thereof shall be recorded as hereinabove provided for, it shall be deemed a public act and all courts shall take judicial notice of same and no proof shall be required of same. That all cities shall be entitled to appeal to the Courts of Civil Appeals of

this State, including the Supreme Court, without the necessity of giving bond.

Sec. 4. That by the provisions of this act it is contemplated to bestow upon any city adopting the charter or amendment hereunder the full power of local self-government, and among other powers that may be exercised by any such city, the following are hereby enumerated for greater certainty:

The creation of a commission, aldermanic or other form of government; the creation of offices, the manner and mode of selecting officers, and prescribing their qualifications, duties, compensation and tenure of office.

The power to fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, according to such rules as may be provided by said charter.

To hold by gift, deed, devise or otherwise any character of property, including any charitable or trust fund; to plead and be impleaded in all courts and to act in perpetual succession as a body politic.

To provide that no public property or any other character of property owned or held by said city shall be subject to any execution of any kind or nature.

To provide that no fund of the city shall be subject to garnishment, and the city shall never be required to answer in any garnishment proceedings.

To provide for the exemption from liability on account of any claim for damages to any person or property, or to fix such rules and regulations governing the city's liability as may be deemed advisable.

To provide for the levying of any general or special ad valorem tax for any purpose not inconsistent with the Constitution of the State.

To provide for the mode and method of assessing taxes, both real and personal, against any persons and corporations, including the right to assess the franchise of any public corporation using and occupying the public streets or grounds of the city separately from the tangible property of such corporation.

To provide for the collection of all taxes, including the right to impose penalties for delinquent taxes.

The power to control and manage the finances of any such city; to prescribe its fiscal year and fiscal arrangements; the power to issue bonds upon the credit of the city for the purpose of making permanent public improvements or for other public purposes in the amount

and to the extent provided by such charter, and consistent with the Constitution of the State; provided, that said bonds shall have been first authorized by a majority vote cast by the duly qualified property taxpaying voters voting at an election held for that purpose. Thereafter all such bonds shall be submitted to the Attorney General for his approval and the Comptroller for registration, as provided by the State law, provided that any such bonds, after approval, may be issued by the city, either optional or serial or otherwise as may be deemed advisable by the governing authority. That whenever any city has heretofore been authorized, under any special charter creating such city, to issue any bonds by the terms of such charter, the provisions of this act shall not be construed to interfere with the issuance of any such bonds under the provisions of any charter under which such bonds were authorized.

To have the exclusive right to own, erect, maintain and operate waterworks and waterworks systems for the use of any city and its inhabitants, to regulate the same and to have power to prescribe rates for water furnished and to acquire by purchase, donation or otherwise suitable grounds within and without the limits of the city on which to erect any such works and the necessary right of way, and to do and perform whatsoever may be necessary to operate and maintain the said waterworks or waterworks system and to compel the owners of all property and the agents of such owners or persons in control thereof to pay all charges for water furnished upon such property and to fix a lien upon such property for any such charges. To provide that all receipts from the waterworks may, in its discretion, constitute a separate or sacred fund, which shall be used for no other purpose than the extension, improvement, operation, maintenance, repair and betterment of said waterworks system or waterworks supply, and to provide for the pledging of any such receipts and revenues for the purpose of making of any of such improvements, and the payment of the principal, and providing an interest and sinking fund for any bonds issued therefor, under such regulations as may be provided by the charter adopted by such city.

To prohibit the use of any street, alley, highway or grounds of the city by any telegraph, telephone, electric light, street railway, interurban railway, steam railway, gas company, or any other char-

acter of public utility without first obtaining the consent of the governing authorities expressed by ordinance and upon paying such compensation as may be prescribed and upon such condition as may be provided for by any such ordinance. To determine, fix and regulate the charges, fares, or rates of any person, firm or corporation enjoying or that may enjoy the franchise or exercising any other public privilege in said city and to prescribe the kind of service to be furnished by such person, firm or corporation and the manner in which it shall be rendered and from time to time alter or change such rules, regulations and compensation; provided that in adopting such regulations and in fixing or changing such compensation or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying the franchise shall be considered unless proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done on property actually received in accordance with the laws and Constitution of the State applicable thereto. That, in order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate or regulation, the governing authority shall have full power to inspect the books and compel attendance of witnesses for such purpose.

To buy, own, construct within or without the city limits, and to maintain and operate a system or systems of gas, or electric lighting plant, telephones, street railways, sewage plants, fertilizing plants, abattoir, municipal railway terminals, docks, wharfs, ferries, ferry landings, loading and unloading devices and shipping facilities, or any other public service or public utility, and to demand and receive compensation for service furnished for private purposes or otherwise, and to exercise the right of eminent domain as hereinafter provided for the appropriation of lands, rights of way or anything whatsoever that may be proper and necessary to efficiently carry out said objects. That any city shall have the power to condemn the property of any person, firm or corporation now conducting any such business and for the purpose of operating and maintaining any such public utilities, and for the purpose of distributing such service throughout the city or any portion thereof, but, in such condemnation proceedings, no allowance shall be made for the value of any franchise and only the actual physical assets shall be purchased by any such city, provided that any city

may adopt by its charter such other rules and regulations as it may deem advisable for the acquiring and operation of any such public utilities.

To manufacture its own electricity, gas or anything else that may be needed or used by the public; to purchase and make contracts with any person or corporation for the purchasing of gas, electricity, oil or any other commodity or article used by the public and to sell the same to the public upon such terms as may be provided by the charter.

To have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary and to take any private property within or without the city limits for any of the following purposes, to wit: city halls, police stations, jails, calaboose, fire stations, libraries, school houses, high school buildings, academies, hospitals, sanitariums, auditoriums, market houses, reformatories, abattoirs, railroad terminals, docks, wharves, warehouses, ferries, ferry landings, elevators, loading and unloading devices, shipping facilities, piers, streets, alleys, parks, highways, boulevards, speedways, play grounds, sewer systems, storm sewers, sewage disposal plants, drains, filtering beds and emptying grounds for sewer systems, reservoirs, water sheds, water supply sources, wells, water and electric light systems, gas plants, cemeteries, crematories, prison farms, and to acquire lands within and without the city for any other municipal purposes that may be deemed advisable. That the power herein granted for the purpose of acquiring private property shall include the power of the improvement and enlargement of the water works including water supply, riparian rights, stand pipes, water sheds, the construction of supply reservoirs, parks, squares and pleasure grounds, public wharves and landing places for steamers and other craft, and for the purpose of straightening or improving the channel of any stream, branch or drain, or the straightening or widening or extension of any street, alley, avenue or boulevard. That, in all cases where the city seeks to exercise the power of eminent domain, it shall be controlled, as nearly as practicable, by the law governing the condemnation of property of railroad corporations in this State, the city taking the position of the railroad corporations in any such case, that the power of eminent domain hereby conferred shall include the right of the governing authority, when so expressed, to take the fee in the land so condemned

and such power and authority shall include the right to condemn public property for such purposes.

To have exclusive dominion, control and jurisdiction in, over and under the public streets, avenues, alleys, highways, and boulevards, and public grounds of such city and to provide for the improvement of any public street, alleys, highways, avenues or boulevards by paving, raising, grading, filling, or otherwise improving the same and to charge the cost of making such improvements against the abutting property, by fixing a lien against the same, and a personal charge against the owner thereof according to an assessment specially levied therefor in an amount not to exceed the special benefit any such property received in enhanced value by reason of making any such improvement and to provide for the issuance of assignable certificates covering the payments for said cost, provided that the charter shall apportion the cost to be paid by the property owners and the amount to be paid by the city, and provided further, that all street railways, steam railways, or other railways, shall pay the cost of improving the said street between the rails and tracks of any such railway companies and for two feet on each side thereof. The city shall have the power to provide for the construction and building of sidewalks and charge the entire cost of construction of said sidewalks, including the curb, against the owner of abutting property and to make a special charge against the owner for such cost and to provide by special assessment a lien against such property for such cost; to have the power to provide for the improvement of any such sidewalk or the construction of any such curb by penal ordinance and to declare defective sidewalks to be a public nuisance. That the power herein granted for making street improvements and assessing the cost by special assessment in the manner herein stated shall not be construed to prevent any city from adopting any other method or plan for the improvement of its streets, sidewalks, alleys, curbs or boulevards, as it may deem advisable by its charter.

To open, extend, straighten, widen any public street, alley, avenue or boulevard and for such purpose to acquire the necessary lands and to appropriate the same under the power of eminent domain and to provide that the cost of improving any such street, alley, avenue or boulevard by opening, extending and widening the same shall be paid by the owners of property specially benefited whose property lies in the territory of

such improvement and to provide that the cost shall be charged by special assessment and that a personal charge shall be made against any owner for the amount due by him and to provide for the appointment by the county judge or other officer exercising like or similar powers of three special commissioners for the purpose of condemning the said lands and for the purpose of apportioning the said cost, which apportionment of said cost shall be specially assessed by the governing authorities against the owners and the property of the owners lying in the territory so found to be specially benefited in enhanced value by the said special commissioners. That the city shall pay such portion of such cost as may be determined by the said special commissioners provided the same shall never exceed one-third the cost and the property owners and their property shall be liable for the balance of the same as may be apportioned by said commissioners. That the city may issue assignable certificates for the payment of any such cost against such property owners and may provide for the payments of any such cost in deferred payments, to bear interest at such rate as may be prescribed by the charter not to exceed eight per cent. That the city may adopt any other method for the opening, straightening, widening or extending of its streets as herein provided for as may be deemed advisable and charge the cost of same against the property and the owner specially benefited in enhanced value and lying in the territory of said improvement that its charter may provide. That the authority to adopt any other method shall include the manner of appointing commissioners, the manner of giving notice and the manner of fixing assessments or providing for the payment for any such improvement.

To control, regulate and remove all obstructions or other encroachments or encumbrances on any public street, alley or ground and to narrow, alter, widen or straighten any such streets, alleys, avenues or boulevards and to vacate and abandon and close any such streets, alleys, avenues or boulevards, and to regulate and control the moving of buildings or other structures over and upon the streets or avenues of such city.

That each city shall have the power to define all nuisances and prohibit the same within the city and outside of the city limits for a distance of 5000 feet; to have power to police all parks or grounds, speedways, or boulevards owned by said city and lying outside of said city; to prohibit the pollution of any

stream, drain or tributaries thereof which constitutes the source of water supply of any city and to provide for policing the same as well as to provide for the protection of any water sheds and the policing of same; to inspect dairies, slaughter pens and slaughter houses inside or outside the limits of the city from which meat or milk from same is furnished to the inhabitants of the city.

To license, operate and control the operation of all character of vehicles using the public streets, including motorcycles, automobiles or like vehicles, and to prescribe the speed of the same, the qualification of the operator of the same, and the lighting of the same by night, and to provide for the giving of bond or other security for the operation of the same.

To regulate, license and fix the charges of fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city.

To provide for the establishment of districts within said city wherein saloons may be located or maintained and wherein spirituous, vinous and malt liquors may be sold to be drunk on the premises, and to prohibit the sale of such liquors or the location of such saloons without such defined district. To regulate the location and control the conduct of theaters, moving picture shows, ten-pin alleys, vaudeville shows, pool halls and all places of public amusements.

To license any lawful business, occupation or calling that is susceptible to the control of the police power.

To license, regulate, control or prohibit the erection of signs or billboards as may be provided by charter or ordinance.

To provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and to provide for the erection of fireproof buildings within certain limits, and to provide for the condemnation of dangerous structures or buildings or dilapidated building or buildings calculated to increase the fire hazard and the manner of their removal or destruction.

To provide for police and fire departments.

To provide for the adoption of the policy of the initiative, referendum and recall for any such city.

To provide for a health department and the establishment of rules and regu-

lations protecting the health of the city and the establishment of quarantine stations, and pest houses, emergency hospitals and hospitals and to provide for the adoption of necessary quarantine laws to protect the inhabitants against contagious or infectious diseases.

To provide for a sanitary sewer system and to require property owners to make connections with such sewers with their premises and to provide for fixing a lien against any property owner's premises who fails or refuses to make sanitary sewer connections and to charge the cost against the said owner and make it a personal liability. Also, to provide for fixing penalties for a failure to make sanitary sewer connections.

The power to require waterworks corporations, gas companies, street car companies, telephone companies, telegraph companies, electric light companies, or other companies or individuals enjoying a franchise now or hereafter from the city to make and furnish extensions of their service to such territory as may be required by the charter.

To provide for the establishment of public schools and public school system in any such city and to have exclusive control over same and to provide such regulations and rules governing the management of same as may be deemed advisable; to levy and collect the necessary taxes, general or special, for the support of such public schools and public school system.

That, whenever any city may determine to acquire any public utility using and occupying its streets, alleys and avenues as hereinbefore provided, and it shall be necessary to condemn the said public utility, the city may obtain funds for the purpose of acquiring the said public utility and paying the compensation therefor, by issuing bonds or notes or other evidence of indebtedness and shall secure the same by fixing a lien upon the said properties constituting the said public utility so acquired by condemnation or purchase or otherwise; that said security shall apply alone to the said properties so pledged; that such further regulations may be provided by any charter for the proper financing or raising the revenues necessary for obtaining any public utilities and providing for the fixing of said security.

To enforce all ordinances necessary to protect health, life and property and to prevent and summarily abate and remove all nuisances and to preserve and enforce the good government, order and security of the city and its inhabitants.

Sec. 5. That the specification of the powers hereinabove enumerated shall

never be construed to be a limitation upon any other powers that may be exercised by any such city in the enjoyment of its local self-government, nor shall such enumeration of powers by implication or otherwise preclude any such city from exercising the same powers in any other way not inhibited by the Constitution of the State.

Sec. 6. All powers heretofore granted any city by general law or special charter are hereby preserved to each of said cities, respectively, and the power so conferred upon such cities either by special or general law is hereby granted to such cities when embraced in and made a part of the charter adopted by such city; and provided that, until the charter of such city as the same now exists is amended and adopted, it shall be and remain in full force and effect.

Sec. 7. That the adoption of any charter hereunder or any amendment thereof shall never be construed to destroy any property, action, rights of action, claims and demands of any nature or kind whatever vested in the city under and by virtue of any charter theretofore existing or otherwise accruing to the city, but all such rights of action, claims or demands shall vest in and inure to the city and to any persons asserting any such claims against the city as fully and completely as though the said charter or amendment had not been adopted hereunder. That the adoption of any charter or amendment hereunder shall never be construed to affect the right of the city to collect by special assessment any special assessment heretofore levied under any law or special charter for the purpose of paving or improving any street, highway, avenue or boulevard of any city, or for the purpose of opening, extending, widening, straightening or otherwise improving the same, nor affect any right of any contract or obligation existing between the city and any person, firm or corporation for the making of any such improvements and for the purpose of collecting any such special assessment and carrying out of any such contract, the provisions of all charters shall be continued in force.

Sec. 8. Any such city shall have the power to create and establish improvement districts to levee, straighten, widen, enclose or otherwise improve any river, creek, bayou, stream or other body of water or streets or alleys, and to drain, grade, fill and otherwise protect and improve the territory within its limits, and shall have the power to issue bonds for making such improvements, such improvement districts to be created and established agreeably to the general laws

of the State providing for the creation of such improvement districts and the issuance of such bonds shall be governed by the powers a city possesses in the matter of issuing bonds.

Any such city shall further have the power to straighten, widen, levee, enclose, or otherwise improve any river, creek, bayou, stream, or other body of water, or streets, or alleys, and to drain, grade, fill and otherwise protect and improve the territory within its limits and to provide that the cost of making any such improvements shall be paid for by the property owners owning property in the territory specially benefited in enhanced value by reason of making any such improvements and a personal charge shall be made against any such property owners as well as a lien shall be fixed by special assessment against any such property and the city may issue assignable certificates or negotiable certificates as it deems advisable covering such cost and may provide for the payment of such cost in deferred payments and fix the rate of interest not to exceed eight per cent and may provide for the appointment of special commissioners or otherwise for the making and levying of said special assessment or may provide that the same shall be done by the governing authorities and that such rules and regulations may be adopted for a hearing and other proceedings had as may be provided by said charter.

Sec. 9. When the charter of any such city in this State shall have been framed, adopted and approved according to the provisions of this act and any provisions of such charter shall be in conflict with any general law or laws relating to cities, the provisions of such charter shall prevail and be in full force notwithstanding such conflict and shall operate as a repeal or suspension of any such State law or laws and shall not thereafter be operative in so far as they are in conflict with such provisions of the charter, provided that such charter shall be consistent with and subject to the provisions of the State Constitution and not in conflict with the provisions of the State Constitution or any of the penal laws of the State, provided, that any such charter may provide a different penalty for the obstruction or incumbrance of its streets, alleys, avenues and highways from that provided by the State law, and provided further, that no ordinance shall be in conflict with the State law or provide a penalty in conflict therewith save and except in the case of the obstruction and incumbrance

of the public streets, alleys, avenues and boulevards of said city.

Sec. 11. The fact that there is no enabling act authorizing cities of more than five thousand inhabitants to avail themselves of the constitutional amendment recently adopted, authorizing them by a vote of the qualified voters to adopt or amend their charter, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that bills shall be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

WARREN,  
CARTER,  
MORROW.

(2)

Amend the substitute bill by striking out Section 2 thereof and inserting in lieu thereof the following:

Section 2. The legislative or governing authority of any incorporated city, having more than five thousand inhabitants may, by a two-thirds vote of its members, or upon petition of ten per cent of the qualified voters of said city, shall provide by ordinance for the submission of the question, "Shall a commission be chosen to frame a new charter?" The ordinance providing for the submission of such question shall require that it be submitted at the next regular municipal election, if one should be held, not less than thirty nor more than ninety days after the passage of said ordinance; otherwise it shall provide for the submission of the question at a special election to be called and held not less than thirty days, nor more than ninety days, after the passage of said ordinance and the publication thereof in some newspaper published in said city. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the city at large of a charter commission of not less than fifteen members or more than one member for each three thousand inhabitants, provided that a majority of the qualified voters voting on such question shall have voted in the affirmative. The charter so framed by said commission shall be submitted to the qualified voters of said city at an election to be held at a time fixed by the charter commission not less than forty days nor more than ninety days after the completion of the work of the charter commission; provision for which shall be made by the legislative or governing authority of the city in so far as

not prescribed by general law. Not less than thirty days prior to such election the legislative or governing authority of said city shall cause the city clerk or city secretary to mail a copy of the proposed charter to each qualified voter in said city as appears from the tax collector's rolls for the year ending January 31st preceding said election. If such proposed charter is approved by a majority of the qualified voters voting at said election, it shall become the charter of election, it shall become the charter of said city until amended or repealed; provided that in preparing the charter, the commission shall as far as practicable, segregate each subject so that the voter may vote "Yes" or "No" on the same. Provided that where the legislative or governing authority of any city or where any mass meeting has selected a charter committee, or charter commission, or where the mayor of any city has appointed a charter committee which has proceeded with the formation of a charter for said city the provisions of this section as to the selection of the charter commission shall not apply to the first charter election to be held in said city under the terms of this act. No charter shall be considered adopted until the votes have been counted and an official order entered upon the records of said city by the legislative or governing authority of such city declaring the same adopted. When the legislative or governing authority of any city of more than five thousand inhabitants deems it preferable to submit amendments to any existing city charter and in the absence of a petition hereinbefore provided for, said legislative or governing authority may on its own motion, and shall upon the petition of at least ten per cent of the qualified voters of said city submit any proposed amendment or amendments to such charter; provided that the ordinance providing for the submission of any proposed amendment or amendments shall require that it, or they, be submitted at the next regular municipal election, if one shall be held, not less than thirty nor more than ninety days after the passage of said ordinance; otherwise it shall provide for the submission of the amendment or amendments at a special election to be called and held not less than thirty nor more than ninety days after the passage of said ordinance and the publication thereof in some newspaper published in said city. The legislative or governing authority of said city shall cause the city clerk or city secretary to mail a copy of the proposed amendment

or amendments to every qualified voter in said city as appears from the tax collector's rolls for the year ending January 31st, preceding said election. Every such proposed amendment or amendments, if approved by the majority of the qualified voters voting at said election, shall become a part of the charter of said city. Each and every amendment or amendments submitted must contain only one subject and in preparing the ballot for such amendment or amendments it shall be done in such a manner that the voter may vote "Yes" or "No" on any one amendment or amendments, without voting "Yes" or "No" on all of said amendments; and provided that no amendment or amendments shall be considered adopted until the votes have been counted and an official order has been entered upon the records of said city by the legislative or governing authority of such city declaring the same adopted. Provided that no ordinance shall be passed submitting an amendment or amendments until twenty days notice has been given of such intention by publication for ten days in some newspaper published in said city. By "twenty days" is meant from the first date said notice is published.

WARREN,  
CARTER,  
MORROW.

(3)

Amend the substitute bill by striking out Section 9 and insert in lieu thereof the following:

"Section 9. When the charter of any such city in this State shall have been framed, adopted and approved according to the provisions of this act and any provisions of such charter shall be in conflict with any general law relating to, or affecting, cities, the provisions of such charter shall prevail and be in full force notwithstanding such conflict and shall operate to supersede such State law, provided that such charter shall be consistent with and subject to the provisions of the State Constitutions and not in conflict with the provisions of the State Constitutions or any of the penal laws of the State, nor laws hereafter enacted by the Legislature, provided that laws hereafter passed shall not be construed as repealing or modifying said charters, or the ordinances enacted thereunder, unless such intent specifically appears, provided, that any such charter may provide a different penalty for the obstruction or incumbrance of its streets, alleys, avenues and highways from that provided by the State law, and

provided, further, that no ordinance shall be in conflict with the State law or provide a penalty in conflict therewith save and except in the case of the obstruction and incumbrance of the public streets, alleys, avenues and boulevards of said city."

WARREN,  
CARTER,  
MORROW.

(4)

Amend the substitute bill by striking out Section 5 and inserting in lieu thereof the following:

"Section 5. The enumeration of powers hereinabove made shall never be construed to preclude, by implication or otherwise, any such city from exercising the powers incident to the enjoyment of local self-government, provided that such powers shall not be inhibited by the Constitution of the State."

WARREN,  
CARTER,  
MORROW.

(5)

Amend the substitute bill by striking out all of line 32 on page 7, after the period in said line, and all of lines 33 and 34, and insert in lieu thereof the following:

"That all cities may institute and prosecute suit without giving security for cost, and may appeal from judgments without giving supersedeas or cost bond."

WARREN,  
CARTER,  
MORROW.

(6)

Amend the caption of the substitute bill by inserting after the word "held" the following: "providing that certain general laws shall be superseded by the laws of such cities and amending Article 812 of the Penal Code."

(7)

Amend the substitute bill, line 25, page 15, by striking out period and inserting comma and adding the following: "and as incident giving effect to the provisions hereof Article 812 of the Penal Code of the State of Texas is hereby amended so as to hereafter read as follows:

"Article 812. If any person shall wilfully obstruct or injure, or cause to be obstructed or injured in any manner whatsoever, any public road or highway, or any street or alley in any incorpo-

rated town or city, or any public bridge or causeway, he shall be fined in a sum not exceeding \$200."

Senator McNealus offered the following amendment, which was read and adopted:

Amend Section 9 by adding thereto the following:

"No charter or any amendment thereof framed or adopted under the provisions of this act shall ever grant to any person, firm or corporation any right or franchise to use or occupy the public streets, avenues, alleys or grounds of any such city, but the governing authority of any such city shall have the exclusive power and authority to make any such grant of any such franchise or right to use and occupy the public streets, avenues, alleys and grounds of the city; provided, that if at any time before any ordinance granting a franchise takes effect, a petition shall be submitted to the governing authority signed by 500 of the bona fide qualified voters of the city, then the governing authority shall submit the question of granting such franchise to a vote of the qualified voters of the city at the next succeeding general election, provided such election shall occur within twelve months from the date such ordinance takes effect; that if such election shall not occur within the said twelve months then said ordinance may be submitted if petitioned therefor as herein provided for at a special election to be called by the governing authority therefor; provided further, that in case said ordinance is submitted at any of said elections, notice thereof shall be published at least twenty days successively in a daily newspaper published in said city prior to the holding of said election. The ballot used at said elections shall briefly describe the franchise to be voted on and the terms thereof and shall contain the words 'for the granting of a franchise' and 'against the granting of the franchise.' That if a majority of those voting at said election shall vote in favor of granting a franchise the governing body upon canvassing the returns shall so declare and said franchise shall take effect in accordance with its terms; provided further, however, that no franchise shall extend the period fixed for its termination."

McNEALUS,  
WARREN,  
CARTER,  
MORROW.

The bill was read second time and passed to a third reading.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	McNealus.
Bailey.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Real.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Westbrook.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Brelsford.	Taylor.
Paulus.	Weinert.

The bill was read third time and passed by the following vote:

Yeas—26.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Kauffman.	Westbrook.
Lattimore.	Wiley.
McGregor.	Willacy.

Absent.

Conner.	Taylor.
Johnson.	Weinert.
Paulus.	

Senator Real moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House grants request of Senate for Free Conference Committee on Senate bill No. 88 and the following members have been appointed: Kennedy, Fuller, Long, Allison, Burges.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Vaughan:

Resolved by the Senate, That

Whereas, The Sixteenth Congressional District, as constituted under the law at present, extends from Palo Pinto county on the east to the western boundary of the State, and from the northwest corner of Cochran county in the northwest, and is bounded on the west by New Mexico and Mexico, and extends southeast and includes Edwards and Kimble counties in the southeast, and has more than 363,000 population; and

Whereas, In redistricting the State into congressional districts it is necessary to take from said district a large part of the territory forming same, and place it in a new district; and

Whereas, It is the understanding on the part of the Senate that it is the desire of the Panhandle that in redistricting, a Panhandle district be created, to go no further east than the eastern boundary of Wilbarger county; and

Whereas, The creation of such district will necessarily force the boundary of such district to be placed so far south as to include Gaines county and far enough east to include Fisher and Stone-wall; and

Whereas, The creation of such district, with no more, but rather less, population than the basis of representation, will necessitate going south and east towards Bexar county for enough population to constitute the El Paso District; and

Whereas, The said El Paso District, as reported by the Free Conference Committee, goes no further southeast than necessary to obtain as near the requisite number of population as proper; and

Whereas, Said district, as framed by said Free Conference Committee bill, is neither a gerrymander nor a monstrosity; and

Whereas, The present Sixteenth District is a monstrosity, and if permitted

to remain without redistricting would have a more unjust operation than any gerrymander that might be framed; therefore, be it

Resolved by the Senate, That we give it as the opinion of the Senate which we submit to the candor of the people of the State that the statements that are being made by interested persons and their friends, to the effect that such district is a gerrymander, are unwarranted and are intended in the interest of some Congressman or Congressmen to prevent any redistricting of the State.

Resolved further, That the Senate members of the Free Conference be instructed to request the House members of such committee to ask instructions from the House whether it is the sense of the House that the Panhandle District extend to the southern boundary of Gaines county and east to the eastern boundary of Fisher, thence north to Foard, thence east to the southeast corner of Wilbarger, then north with the eastern boundary of Wilbarger to the State line, and with such line around to the beginning.

The resolution was read second time, and

Senator Westbrook moved to refer same to Committee on Congressional Districts.

Senator Carter moved to table the motion to refer, which motion to table was adopted.

The resolution was then adopted by the following vote:

#### Yeas—15.

Astin.	Nugent.
Bailey.	Townsend.
Carter.	Warren.
Darwin.	Watson.
Greer.	Weinert.
Lattimore.	Wiley.
McNealus.	Willacy.
Morrow.	

#### Nays—4.

Collins.	Terrell.
Kauffman.	Westbrook.

#### Present—Not Voting.

Cowell.	Taylor.
Gibson.	Vaughan.
Real.	

#### Absent.

Brelsford.	McGregor.
Conner.	Murray.
Hudspeth.	Paulus.
Johnson.	

## SENATE BILL NO. 425.

(By Senator Warren.)

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 425, A bill to be entitled "An Act to amend Article 1255 of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911, providing that it shall be a misdemeanor for any person to enter the enclosed land of another without the owner's consent, and therein hunt with firearms, or therein catch, or attempt to catch, any fish, or in any other manner trespass or depredate; providing for punishment therefor, and declaring an emergency."

The bill was read second time and was ordered engrossed.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Astin.	Nugent.
Bailey.	Real.
Brelsford.	Taylor.
Carter.	Terrell.
Collins.	Townsend.
Cowell.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.
Murray.	

Nays—1.

Lattimore.

Present—Not Voting.

Conner.

Absent.

Darwin.	McGregor.
Hudspeth.	Paulus.

The bill was read third time and passed by the following vote:

Yeas—22.

Astin.	Greer.
Bailey.	Johnson.
Brelsford.	Kauffman.
Carter.	McNealus.
Conner.	Morrow.
Cowell.	Nugent.
Gibson.	Real.

Terrell.  
Townsend.  
Warren.  
Watson.

Weinert.  
Westbrook.  
Wiley.  
Willacy.

Nays—4.

Collins.  
Lattimore.

Murray.  
Taylor.

Absent.

Darwin.  
Hudspeth.  
McGregor.

Paulus.  
Vaughan.

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE JOINT RESOLUTION NO. 26.

(By Unanimous Consent.)

By Senator Nugent and 28 Others:

Senate Joint Resolution No. 26, Proposing an amendment to Section 24, of Article 3, of the Constitution of the State of Texas, relating to compensation for members of the Legislature.

Read first time and referred to Committee on Constitutional Amendments.

## SENATE BILL NO. 464.

(By Senator Watson.)

The Chair laid before the Senate, on second reading,

Senate bill No. 464, A bill to be entitled "An Act to authorize any interurban railway company, heretofore or hereafter incorporated under the laws of this State, and any street railway company, owning and operating an interurban line of railway between any cities or towns in this State, and incorporated under the laws of this State to purchase or otherwise acquire, maintain and operate all the properties and franchises of street railway companies and suburban railway companies heretofore or hereafter incorporated under the laws of this State; and to authorize such street railway companies and suburban railway companies to sell their properties and franchises to such interurban railway companies and to such street railway com-

panies owning and operating an interurban line of railway between any cities or towns in this State; and to authorize any street railway company and any suburban railway company heretofore or hereafter incorporated under the laws of this State, to purchase or otherwise acquire, maintain and operate all the properties and franchises of interurban railway companies owning and operating an interurban line of railway between any cities or towns in this State, and incorporated under the laws of this State; and to authorize interurban railway companies, heretofore or hereafter incorporated under the laws of this State, and street railway companies owning and operating an interurban line of railway, between any cities or towns in this State to sell all their properties and franchises to such street railway companies and to such suburban railway companies; and repealing so much of any and all laws as may be in conflict herewith."

Senator Nugent offered the following several amendments, separate, which were read and adopted:

(1)

Amend the bill by striking out the word "are" where it appears in line 13, of Section 1, and line 8, of Section 2, and insert in lieu thereof the word "is."

(2)

Amend the bill by striking out the words "street railway companies" where they appear in lines 16 and 17, in Section 1, and in line 21, of Section 1, and insert in lieu thereof, the words "companies operating street railways."

(3)

Amend the bill by adding the words "or stocks and bonds" after the word "privileges," in line 16 and line 28 of Section 1, and in line 13 and line 23, of Section 2.

(4)

Amend the bill by adding Section 3a after Section 3 to read as follows:

"Sec. 3a. Any corporation acquiring the properties, rights, franchises and privileges, or stocks and bonds of one or more corporations under provisions of this act, shall thereafter possess and may use and exercise all the corporate powers conferred by the laws of this State upon both street railway companies and interurban companies."

Senator Morrow offered the following amendment:

Amend by adding Section 5 as follows: "Provided that such interurban companies as accept the provisions of this act, shall be under the control of the Railroad Commission of the State and subject to all the provisions of law that relate to the control by said Commission of companies operating railroads by steam or other power, said control to include rates and the issuance of bonds."

Senator Watson offered the following amendment to the amendment:

Amend the amendment by adding after the word "companies" at the end of line 3 the following: "engaged in carrying freight."

Senator Brelsford moved the previous question on the pending amendments and the bill, which motion being duly seconded, was so ordered.

Action recurred on the amendment to the amendment and the same was lost by the following vote:

Yeas—6.

Brelsford.	Nugent.
Carter.	Vaughan.
Kauffman.	Watson.

Nays—18.

Astin.	McNealus.
Bailey.	Morrow.
Collins.	Murray.
Conner.	Taylor.
Cowell.	Townsend.
Greer.	Warren.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Lattimore.	Wiley.

Absent.

Darwin.	Real.
Gibson.	Terrell.
McGregor.	Willacy.
Paulus.	

Action recurred on the amendment by Senator Morrow and the same was adopted by the following vote:

Yeas—20.

Astin.	Cowell.
Bailey.	Greer.
Brelsford.	Hudspeth.
Carter.	Johnson.
Collins.	Kauffman.
Conner.	Lattimore.

Morrow.	Vaughan.
Real.	Warren.
Taylor.	Westbrook.
Townsend.	Wiley.

Nays—5.

McNealus.	Watson.
Murray.	Weinert.
Nugent.	

Absent.

Darwin.	Paulus.
Gibson.	Terrell.
McGregor.	Willacy.

The bill having already been read, the Senate refused to order same engrossed by the following vote:

Yeas—8.

Bailey.	Nugent.
Carter.	Vaughan.
Hudspeth.	Watson.
Kauffman.	Wiley.

Nays—15.

Astin.	McNealus.
Brelsford.	Morrow.
Collins.	Murray.
Conner.	Taylor.
Cowell.	Townsend.
Greer.	Warren.
Johnson.	Westbrook.
Lattimore.	

Present—Not Voting.

Real.	Weinert.
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Absent.

Darwin.	Paulus.
Gibson.	Terrell.
McGregor.	Willacy.

Senator McNealus moved to reconsider the vote by which the Senate refused to order the bill engrossed and lay that motion on the table.

The motion to table prevailed.

## ADJOURNMENT.

Senator Carter, at 10:30 o'clock p. m., moved that the Senate adjourn until 9:30 o'clock tomorrow morning.

Senator Kauffman moved that the Senate adjourn until 10 o'clock, which motion was lost.

Senator Johnson moved that the Senate adjourn until 9 o'clock tomorrow morning, which motion was adopted.

## APPENDIX.

## BILLS AND RESOLUTIONS SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

Senate bill No. 18, "An Act to create a special district court for Grayson county, to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court and the other district courts in said county to such changes as are made in the jurisdiction of any of said courts by this bill to empower the judge of said special district court and the judges of the Fifteenth and Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective courts to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

Senate bill No. 393, "An Act to create a more efficient road system for Hill county, Texas, and declaring an emergency."

Senate bill No. 349, "An Act to create the Mathis Independent School District in San Patricio county, Texas, out of the territory known as Common School District No. 5 in said county, defining its boundaries and providing for the election of trustees therefor and authorizing the board of trustees to levy, assess and collect special taxes, conferring upon the board of trustees plenary powers, providing authority to issue bonds for the purpose of purchasing school building sites and erecting, furnishing and equipping school buildings within the said district, to levy taxes therefor and to pay current expenses for the support and maintenance of said schools, providing for a board of equalization, and prescribing the duty and authority of said board, and further prescribing the duty and authority of said board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore levied, and declaring an emergency."

Senate bill No. 400, "An Act providing a more efficient road law for Bexar county, Texas, and declaring an emergency."

Senate bill No. 420, "An Act to amend Section 3, Section 5, Section 6 and Section 9, of Chapter 38, of Special Laws of the Thirty-second Legislature, creat-

ing a special road law for Wood county, Texas, and declaring an emergency."

Senate bill No. 442, "An Act to authorize Hemphill county, Texas, to lay out, construct and maintain roads and bridges, and exempting said county from the limitations contained in Article 613, Title 18, Chapter 1, Revised Civil Statutes of 1911, and declaring an emergency,"

Senate bill No. 150, "An Act fixing the salaries of the judges of the Supreme Court and Court of Criminal Appeals and the Courts of Civil Appeals in this State, and declaring an emergency."

Senate bill No. 415, "An Act to repeal Chapter 93 of the Special Laws of the State of Texas passed by the Thirtieth Legislature, approved April 17, 1907, so far as same applies to Jasper county, and to repeal Chapter 95 of the Special Laws of the State of Texas, passed by the Thirty-first Legislature, approved March 26, 1909, and provided that the General Road Law of the State of Texas shall be in effect in Jasper county."

#### COMMITTEE REPORTS.

(Floor Reports.)

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 580, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station for the purpose of conducting experiments in fruits, vegetables, grains and other farm crops, and studying soil problems in the cross timber prairie section of North Texas, and disseminating useful information, making necessary appropriation therefor, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Astin, Chairman; Real, Westbrook, Taylor, Warren, Murray, Conner.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 484, A bill to be entitled

"An Act to create a special district court for McLennan county, to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court and the other district courts in said county to such changes as are made in the jurisdiction of any of said courts by this bill, to empower the judge of said special district court and the judges of the Nineteenth and Fifty-fourth Judicial Districts in McLennan county, to transfer cases from their respective court to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Morrow, Carter, Taylor, Nugent, Collins, Brelesford.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred Senate bill No. 223, have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and that same be printed in the Journal.

Carter, Chairman; McNealus, Terrell, Real, Gibson, Cowell, Bailey, Collins, Morrow.

Following is the bill in full:

Senate bill No. 223 By Bailey.

#### A BILL

#### To Be Entitled

An Act to require any person, persons, firm or corporation before laying out or platting any addition within seven miles of an incorporated city or town of fifty thousand or more inhabitants, to first submit the plats of said addition to the commissioners court of the county in which the land to be platted lies, for the approval of said court, which approval shall be obtained before said addition or any part thereof shall be offered for sale and before the plat of said addition shall be admitted to record; and providing a penalty.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person or persons, firm or corporation to plat or lay out any addition or

to subdivide any tract of land into lots and blocks, or to sell or offer for sale any lot or lots in said addition or subdivision where any part of the tract of land to be so platted or subdivided lies within seven miles of any incorporated city or town of fifty thousand or more inhabitants, unless the said person or persons, firm or corporation shall first submit the plans and plats of said proposed addition or subdivision to the commissioners court of the county in which the proposed addition or subdivision lies, and shall obtain the written approval of said commissioners court of said plats and plans of said subdivision; provided, however, that such approval of said plats and plans by said commissioners court shall not constitute an acceptance by the said commissioners court of the roads laid off by said plats and plans as county roads.

Sec. 2. No plat of an addition or subdivision of land into lots and blocks where the land so platted or subdivided lies within the territorial limits named in the foregoing section, shall be filed or admitted of record in any county unless the approval of said plat by the commissioners court be endorsed upon the plat offered for record.

Sec. 3. If any such person, persons or firm shall violate any of the foregoing provisions of this act, he, or they, as the case may be, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of five thousand dollars; and if any of the foregoing provisions of this act shall be violated by a corporation, such corporation shall forfeit and pay the sum of five thousand dollars which may be recovered in the name of the State of Texas in any county where the offense is committed, or where the defendant is domiciled, and it shall be the duty of the district attorney to prosecute for the recovery of same, and the officers and directors of said corporation shall each be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of five thousand dollars.

Sec. 4. All acts and parts of acts conflicting with the provisions of this act are repealed, in so far as they are inconsistent herewith.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 443, have had the same under consideration, and I am instructed

to report the same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal of March 24th.

Collins, Chairman; Lattimore, Johnson, Bailey, Brelsford.

Following is the bill in full:

H. B. No. 433. By Fields, Buchanan, Dove, Calvin, Vannoy, Dixon, Craven.

#### A BILL

#### To Be Entitled

An Act to amend Articles 3827, 3828 and 3830, of Title 57, Chapter 1, of the Revised Civil Statutes of the State of Texas of 1911; prescribing the nature and kind of bond that is required of commission merchants; providing where suit may be brought upon bond; providing further, that said commission merchant will promptly receive and sell such produce, goods, wares or merchandise, and class the same; providing that such commission merchant send to the consignor a full and complete account of sales of produce, goods, wares or merchandise received from the consignor; providing that said commission merchant upon receipt of such produce, goods, wares or merchandise shall deliver to the railroad agent or other carrier so delivering same, a receipt therefor, showing the quality, quantity, grade and condition of such produce, goods, wares or merchandise, which receipt shall be kept on file in the office of such agent for six months subject to the inspection of any one interested in such shipment; providing that said commission merchant shall, within five days after said produce, goods, wares or merchandise are sold, send to the consignor the full amount received for the same, less the commission due said commission merchant; and providing for a penalty and by adding to said title and chapter Article 3833, which prescribes the duties of all persons shipping produce, goods, wares or merchandise on consignment to a commission merchant on commission, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 3827, 3828 and 3830, of Title 57, Chapter 1, of the Revised Civil Statutes of the State of Texas of 1911 be and the same are hereby

amended so as to hereafter read as follows, and by adding to said title and chapter Article 3833, which prescribes the duties of all persons shipping produce, goods, wares or merchandise on consignment to a commission merchant on commission.

**Article 3827. Bond of.**—Every commission merchant is hereby required to make bond in the sum of three thousand dollars, entered into with two or more good and sufficient sureties, who are residents of this State, and who shall make affidavit before some officer authorized to administer oaths, that they, in their own right, over and above all exemptions, are worth the full amount of the bond they sign as sureties, payable to the county judge of each county in which such commission merchant maintains an office, and to the successors in office of such county judge as trustees for all persons who may become entitled to the benefits of this act; conditioned that such commission merchant will faithfully and truly perform all agreements and contracts entered into with consignors for said produce, goods, wares or merchandise; that said commission merchant will promptly receive and sell such produce, goods, wares or merchandise, and will on receipt of such produce, goods, wares or merchandise class the same, and if such class as made by such commission merchant is not as high as that made and sent to him by the consignor, he (the commission merchant), will immediately notify the consignor of such fact and of the class made by him; and as soon as sold will send to the consignor a full and complete account of sales of same, giving an itemized account thereof, and the price received, the dates of sales, and shall, within five days after said produce, goods, wares or merchandise are sold, send to the consignor the full amount received for the same, less the commission due said commission merchant under the contract of consignment, which bond shall be approved by the county judge of the county in which said commission merchant maintains an office, and by said county judge filed for record in the county clerk's office as chattel mortgages are now authorized to be filed by law; provided, that any commission merchant may be bonded under the provisions of this act by a solvent surety company doing business in this State, to be approved by the county judge under the provisions of this article.

**Article 3828. Bond Made Where; Suit in Same County.**—Such bond shall be

made and filed for record in each county in which such commission merchant maintains an office, and in which county suits may be maintained upon such bond by any person claiming to have been damaged by a breach of its conditions; provided, that said bond shall not become void upon the first recovery thereon, but may be sued upon until the amount thereof is exhausted; provided, however, that when said bond by suits of recovery has been reduced to the sum of fifteen hundred dollars, that said commission merchant shall be required to enter into a new bond in the sum of three thousand dollars as required in the first instance under the provisions of this chapter, which said new bond shall be liable for all future contracts, agreements or consignments thereafter entered into by said commission merchant and consignors of such produce, cotton, sugar, goods, wares or merchandise, and upon failure of said commission merchant to give said new bond, as above required, he shall cease doing business in this State; provided any commission merchant, as herein defined, who shall engage in business as such commission merchant, without first making and filing the bond provided for in Articles 3827 and 3828, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars.

**Article 3830. Factor to Render Account of Sales and Give Particulars Under Penalty.**—Upon the shipment of any produce, cotton, sugar, goods, wares or merchandise consigned for sale to any factor or commission merchant, it is hereby made his duty that such commission merchant will faithfully and truly perform all agreements and contracts entered into with consignors for said produce, cotton, sugar, goods, wares or merchandise; that said commission merchant will promptly receive and sell such produce, cotton, sugar, goods, wares or merchandise, in accord with the contract of consignment and will on receipt of such produce, cotton, sugar, goods, wares or merchandise class the same, and if such class as made by such commission merchant is not as high as that made and sent to him by the consignor, he (the commission merchant) will immediately notify the consignor of such fact and of the class made by him and as soon as sold will send to the consignor a full and complete account of sales of same, giving an itemized account thereof, and the price received, the dates

of sales, and shall, within five days after said produce, cotton, sugar, goods, wares or merchandise are sold, send to the consignor the full amount received for the same, less the commission due said commission merchant under the contract of consignment; and if cotton, sugar or other produce sold by weight, the weight of the same in gross, and the tare allowed, and be accompanied by the certificate or memorandum, signed by the weigher who weighed the same, of the weight and condition as required by law, and upon failure of the said commission merchant to comply with any one of the provisions of this article he and the bondsmen required by this chapter shall be liable for all actual damages incurred by the consignor by reason thereof, and in addition thereto a penalty of not less than one hundred dollars nor more than five hundred dollars, to be recovered by the consignor in a suit filed for said actual damages and for said penalty.

**Article 3833. Prescribing the Duties of a Shipper.**—Every consignor of produce, goods, wares or merchandise in this State consigning produce, goods, wares, merchandise to commission merchants to be sold on commission shall, when he consigns such produce, goods, wares or merchandise, send to such commission merchant a written statement in which such consignor shall state the amount, the quality or class, the condition of such produce, goods, wares or merchandise so consigned, and if said commission merchant, on receipt of same, fails to promptly notify said consignor of any objections he may have to the class, quality or quantity so consigned, then such statement shall be prima facie evidence of the fact that said consignment of such produce, goods, wares or merchandise is truly stated in said statement by the consignor to said commission merchant; provided further, that when such produce, goods, wares or merchandise is received by said commission merchant such commission merchant shall give to the agent of the railroad or other carrier so delivering such produce, goods, wares or merchandise, a receipt for same which receipt shall state the quality, quantity, grade and condition of such produce, goods, wares or merchandise, and said agent of the railroad or other carrier shall keep such receipt on file in his office subject to the inspection of any one interested in such shipment, for six months from the date of such receipt.

**Sec. 2.** In view of the fact that the present law governing commission mer-

chants is inadequate for the protection of the consignors, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act be in force and take effect from and after its passage, and it is so enacted.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 873, A bill to be entitled "An Act creating a more efficient road system for Upshur county, Texas; prescribing the powers and duties of the county commissioners court with reference to public roads; making members of the commissioners court ex-officio road superintendents of their respective precincts, and defining the powers and duties of road overseers, designating who are liable to road service, prescribing their duties and privileges, prescribing additional revenue for the maintenance of roads by additional ad valorem tax and issuance of bonds for roads and bridge purposes, prescribing how road and bridge funds shall be expended; prescribing penalties for the violations of the provisions of this act; providing that this act be cumulative of all laws on the subject of roads and bridges, and that it be taken notice of by the courts as all other general laws of the State; repealing all laws in conflict, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Morrow, Taylor, Weinert, Westbrook.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 883, A bill to be entitled "An Act to create a more efficient road system for Liberty county by creating a highway commission of public roads and bridges; providing for the manner of electing the member of said highway commission; prescribing their duties, conferring authority and powers, etc., and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Morrow, Taylor, Weinert, Westbrook.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 861, A bill to be entitled "An Act providing for a special road law for Sabine county; authorizing the qualified voters thereof by an election held therefor to create the office of superintendent of public roads and bridges; defining his powers, duties and qualifications, giving the commissioners court of said county authority to fix other qualifications than those specified, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Townsend, Taylor, Westbrook.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 542, A bill to be entitled "An Act to authorize and empower Walker county or any political subdivision or defined district of the said county by vote of a two-thirds majority of the resident property taxpayers qualified voters of such county or political subdivision or defined district thereof voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision or defined district, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the

same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; McNealus, Townsend, Westbrook, Morrow.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 836, A bill to be entitled "An Act to amend Chapter 6, Article 7235, Revised Civil Statutes of the State of Texas, 1911, giving Henderson county or any political subdivision or defined district, now or hereafter created, the right to vote a general stock law,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Astin, Chairman; Murray, Warren, Real, Westbrook, Taylor.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 193, A bill to be entitled "An Act limiting and restricting the expenditures of money in political campaigns by candidates for office, providing a penalty for violation of the provisions of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and hereby report the same back to the Senate with the recommendation that it do pass, and be not printed.

Conner, Westbrook, Townsend, Brelsford, Bailey, Nugent, Carter, McGregor.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Towns and City Corporations to whom was referred

House bill No. 13, A bill to be entitled "An Act authorizing cities having more than five thousand inhabitants, by a majority vote of the qualified voters of said city, at an election held for that purpose, to adopt and amend their charters, subject to such limitations as may be prescribed by the Legislature, and enumerating certain powers and providing same shall not be exclusive of other powers granted under the Constitution

and laws of this State, and providing the method by which said election may be held, and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Carter, Chairman; McNealus, Terrell, Bailey, Cowell, Morrow, Hudspeth, Collins, Real, Gibson.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 869, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt county, for free school purposes only, describing its boundaries, providing for a board of school trustees for the control and management of the said independent school district, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

JOHNSON, Chairman.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 381, A bill to be entitled "An Act to create a criminal district court for the county of Tarrant, State of Texas, and to prescribe the jurisdiction thereof; to fix the time for holding the terms thereof; to provide for the appointment and election of a judge therefor, and to provide for a sheriff, clerk and attorney therefor, and to provide for the transfer of criminal cases from the district courts of Tarrant county thereto,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Carter, Brelsford, Nugent, Collins, Taylor, Bailey, Greer.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 521, A bill to be entitled "An Act to amend Sections 1 and 2, Chapter 128, of the General Laws of the Twenty-sixth Legislature, the same being an act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties therein named, or in any subdivision of said counties (as amended by Chapter 24 of the General Laws of the Twenty-seventh Legislature, and Chapter 71 of the General Laws of the Twenty-eighth Legislature, and Chapters 23 and 94 of the General Laws of the Twenty-ninth Legislature, and Chapters 11 and 57 of the General Laws of the Thirtieth Legislature, and Chapter 69 of the General Laws of the Thirty-first Legislature, and Chapter 94 of the General Laws of the Thirty-second Legislature), so as to include Pecos and Reeves counties within the provisions of said law, and repealing all laws and parts of laws in conflict herewith and declaring an emergency,"

Have had the same under consideration and we, your committee, beg leave to report same back to the Senate with the recommendation that it do pass with the following House amendments and be not printed:

Amend by striking out the word and figure "and 2," in line 1 of caption. Amend so as to include Concho county in the provisions of this bill.

Astin, Chairman; Warren, Murray, Taylor, Conner, Real.

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 665, A bill to be entitled "An Act creating an independent school district to be known as the Rockwall Independent School District, and prescribing the metes and bounds of same, and providing for the creation of a Board of Trustees for same, and authorizing said Board of Trustees to levy, assess and collect special taxes and conferring upon the Board of Trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within said district, to refund and take up any indebtedness and outstanding bonds or contracts of the common school district included in the territory herein described, and to pay current expenses in the maintenance and support of said

schools, and further prescribing the duties and authority of said Board of Trustees, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Johnson, Chairman; Weinert, Wiley, Gibson, Real, Cowell, Darwin.

Committee Room,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 477, A bill to be entitled "An Act to validate the incorporation of the town of Giddings, incorporated for free school purposes only, in Lee county, heretofore, on, to wit, the 23rd of March, 1893, declared to have been incorporated for free school purposes only; more clearly defining its boundaries; to validate the proceedings had by the board of trustees and other officers of said district under said incorporation of 1893 under the general laws governing the incorporation of independent school districts, and especially all proceedings of date September 6, 1912, and all dates subsequent thereto, in the matter of ordering an election upon the issuance of twenty thousand dollars' worth of bonds of said district for school building purposes, issuing notice thereof, declaring the result of the election, and authorizing the issuance of said bonds, and the levying of the tax therefor; investing the board of trustees with all powers conferred upon such districts by the general law; and declaring an emergency."

And find the same correctly engrossed.  
BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 452, A bill to be entitled "An Act to authorize the payment of a certain sum out of the funds appropriated for the maintenance of the Confederate Home to such inmates of the Home as may desire to accept such pay-

ment and leave the Home, and declaring an emergency,"

And find the same correctly engrossed.  
BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 142, A bill to be entitled "An Act requiring railroads, machine shops and other concerns manufacturing or repairing cars within this State to provide all tracks upon which such cars are manufactured or repaired, to be provided with derailing devices, providing penalties for violations thereof, and fixing the time for this act to become operative,"

And find the same correctly engrossed.  
BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 469, A bill to be entitled "An Act to amend Senate bill No. 233, passed by the Thirty-third Legislature at its Regular Session, entitled 'An Act adding to and making a part of the Slaton Independent School District of Lubbock county certain lands and territory adjoining thereto, situate in Lubbock county, and adding thereto and making a part thereof certain lands and territory adjoining thereto situate in Lynn county, all for school purposes, and declaring an emergency,'"

And find the same correctly engrossed.  
BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 22, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 458, A bill to be entitled "An Act providing for the formation and incorporation of rural credit unions or co-operative associations for the purpose of promoting thrift among their members, and to enable the members thereof, when in need, to obtain for

productive purposes moderate loans of money for short periods and at reasonable rates of interest."

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, March 22, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 474, A bill to be entitled "An Act to authorize Nueces county to build, construct, own, lease and maintain a causeway or combination roadway and bridge from the mainland on the south shore of Nueces or Corpus Christi bays to the northern shore of said bays, or either of them, to connect the roadways of Nueces county with the roadways of San Patricio county, and for the said Nueces county to issue bonds of said county for same and to levy and collect a special tax of 15 cents authorized by Article 8, Section 9, of the Constitution, on the \$100 valuation of the taxable property in said county; providing for condemnation proceedings and for the right of way; authorizing said Nueces county to lease right of easement of user of a portion of said road and bridge on terms to be prescribed by the commissioners court of said county; authorizing, by vote, the levy of a tax and the issuance by said county of coupon bonds for the purpose of constructing, maintaining or operating macadamized, graveled or paved roads; adopting certain provisions of the general laws, and declaring an emergency."

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 18, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate bill No. 414, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 415, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 150, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 442, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 420, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate bill No. 400, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 349, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 393, and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred House bill No. 35, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that same be printed in the Journal.

WILLACY, Chairman.

Following is the bill in full:

H. B. No. 35. By Hill.

#### A BILL

#### To Be Entitled

An Act to authorize the Prison Commission to issue two million dollars in bonds, bearing interest at five per cent per annum; to provide for the redemption and sale of said bonds; to provide for a lien upon the properties of the penitentiary system to secure said bonds; to provide for the payment of the debts of penitentiary system; to

provide for funds for the erection of buildings, for the purchase of lands, machinery, tools and supplies, and the establishment of factories, provided for by the act of the Legislature, approved the 17th day of September, 1910; to provide funds for the operation of the penitentiary system during the years 1913 and 1914; to provide that this act shall be cumulative of all other laws and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That for the purpose of securing means with which to pay the debts of the prison system and to erect buildings, to purchase lands, machinery, tools and supplies, and to establish and equip factories and farms for the use and benefit of the penitentiary system, and to operate said system during the years 1913 and 1914, the Prison Commission of the State of Texas be and is hereby authorized and it shall be their duty, with the approval of the Governor, to have printed and to execute two thousand bonds, or as many thereof as may be necessary, to be designated and known as "Penitentiary Improvement Bonds," and numbered from one to two thousand, inclusive, for the principal sum of one thousand dollars each, due thirty years from their date. Said bonds shall bear interest at not to exceed five per cent per annum from their date, payable annually, which shall be indicated on interest coupons attached to said bonds. The principal and interest of said bonds to be payable to bearer at the State Treasury at Austin, Texas, or at the fiscal agency of the State of Texas in the City of New York. Each of said bonds shall declare upon its face that the payment thereof and its interest is secured by a lien upon all of the properties of every kind and character belonging to the penitentiary system of the State of Texas, except the State Railroad from Rusk to Palestine.

Sec. 2. The Prison Commission shall annually set aside from its revenues sufficient to pay the interest on said bonds, and create a sinking fund of two per cent with which to redeem said bonds at maturity. The sinking fund shall be paid annually into the State Treasury on the first day of January, and it shall be the duty of the State Board of Education to annually invest said sinking fund in such securities as said Board of Education is authorized to purchase for the benefit of the public school fund. The interest derived annually from the investment of the sinking fund shall be it-

self reinvested in like securities, or may be used in retiring penitentiary bonds after the ten year option herein provided has expired. The sinking fund hereby created and provided for to pay the bonds issued by the penitentiary system shall not be diverted or used for any other purpose than is herein provided.

Sec. 3. Said bonds shall be sold by the Prison Commission with the approval of the Governor at not less than their face value and accrued interest to the date of sale, and the Comptroller of Public Accounts and the State Board of Education are hereby authorized to purchase said bonds from the Prison Commission, on the Governor's approval, and to pay for the same out of the permanent school fund, and the principal of such bonds shall constitute and remain a part of the permanent school fund, and the interest thereon shall become a part of the available school fund, and such bonds, and coupons, if purchased by the Comptroller of Public Accounts and the State Board of Education shall be deposited with and kept by the State Treasurer as provided by law in case of other securities belonging to the school fund; provided that such bonds shall not be sold or delivered until the same have been registered by the Comptroller of Public Accounts, and accompanied by the certificate of the Attorney General under his seal to the effect that such bonds, in all respects, meet the requirements of this act.

Sec. 4. The money which shall be derived from the sale of such bonds shall be deposited in the State Treasury to the credit of the Prison Commission account and shall be paid out on warrants or vouchers authorized by the Prison Commission and approved by the Governor, as follows:

1. One million five hundred thousand dollars of the fund derived from the sale of said bonds, or so much thereof as may be necessary, shall be used by the Prison Commission to pay its debts.

2. The remainder of the proceeds from the sale of said bonds shall be used to erect buildings, to purchase lands, machinery, tools and supplies, and to establish and equip factories and farms as provided for by the act of the Legislature, and as may be provided by law.

Sec. 5. The provisions of this act shall be construed as cumulative of and supplementary to all laws now in force in this State, and nothing herein shall be construed to repeal any other law in force.

Sec. 6. The fact that the penitentiary system of the State of Texas is now indebted to various people of the State of Texas and elsewhere for the sum in excess of one million dollars, and that the holders of said indebtedness have lent money and made advances to the Prison Commission upon the faith and credit of the State of Texas, and that the Prison Commission is without means or funds with which to operate the penitentiary system and carry out the express purposes of the penitentiary law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Asylums, to whom was referred House bill No. 354, have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed, but be printed in Senate Journal of the 24th day of March.

Real, Chairman; Taylor, Greer, Warren, Brelsford, Westbrook, McGregor.

Following is the bill in full:

House Bill No. 354. By Parker, by request,

#### A BILL

#### To Be Entitled

An Act to define habitual drunkenness, to provide for the admission of habitual drunkards into and parole of habitual drunkards from the asylum, and providing judicial proceedings in cases of habitual drunkards, and fixing the period of time that habitual drunkards shall be confined in the asylum, and for their discharge therefrom, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any person whom a court of competent jurisdiction shall adjudge an habitual drunkard, as defined by this act, and in the manner prescribed by this act, may be ordered conveyed to an insane asylum and admitted as a patient therein.

Sec. 2. The term habitual drunkard,

as used in this act, shall be construed to mean one who, from the use of intoxicating liquors or drugs, is in such condition that the welfare of himself and others requires that he be placed under restraint.

Sec. 3. All indigent habitual drunkards shall be kept and maintained at the expense of the State.

Sec. 4. All habitual drunkards not indigents shall be kept and maintained at the expense of the State in the first instance, but in such cases the State shall be entitled to reimbursement in the manner pointed out in Sections 7 and 19 of this act.

Sec. 5. No habitual drunkard shall be discharged without suitable clothing and sufficient money to pay his necessary expenses home.

Sec. 6. The expenses of conveying all habitual drunkards to the asylum shall be borne by the counties respectively from which they are sent; and said county shall pay the same upon the sworn account of the officer or person performing such service, showing in detail the actual expenses incurred in the transportation.

Sec. 7. In case any habitual drunkard is possessed of property sufficient for the purpose, or any person legally liable for his support, is so possessed of property, the county paying the expenses of such transportation shall be entitled to reimbursement out of the estate of the habitual drunkard or the property of the person legally liable for his support, which may be recovered by the county in ordinary action in any court of competent jurisdiction.

Sec. 8. The expense of conveying to their homes habitual drunkards discharged or paroled from the asylum and the necessary clothing furnished to them at the time of their discharge shall be paid by the State.

Sec. 9. If any habitual drunkard committed to an asylum shall escape therefrom, it shall be the duty of any sheriff, or other peace officer, to apprehend and detain him, and to report such apprehension and detention to the county judge of the county in which the arrest occurs, and at the same time to report the same to the superintendent of the asylum; and upon the order of either such county judge or such superintendent, such sheriff or other peace officer shall convey such patient back to the asylum.

Sec. 10. Any officer who may convey an habitual drunkard to the asylum in accordance with the provisions of

this act shall be paid three dollars per day for each day required for such services, and other actual expenses in accordance with Section 6 of this act.

Sec. 11. Whenever it shall come to the knowledge of any sheriff or other peace officer in this State that any person within his jurisdiction is an habitual drunkard and that the welfare of such habitual drunkard or of others requires that he be placed under restraint, it shall become the duty of such officer to file an information in writing with the county judge, setting out such facts, whenever it shall come to the knowledge of any person in this State that any one is such an habitual drunkard, such person may file an information in writing under oath with the county judge of the county in which such habitual drunkard resides; on the filing of any such information, such county judge shall forthwith issue his warrant for the apprehension of such person, or, upon the filing of such complaint before any justice of the peace, said justice may issue the warrant for the apprehension, returning said complaint and warrant to said county judge; and said county judge shall fix a day and place for the hearing and determining of the matter, which place shall be either in the court house of the county or at the residence of the person named, as the county judge may deem best for such person.

Sec. 12. The warrant provided for in the preceding article shall run in the name of the "State of Texas," shall be directed to the sheriff or any constable of the county, and the officer receiving it shall forthwith take into custody the person named therein, and at the designated time and place have him before the county judge for trial and examination.

Sec. 13. At the time of issuing the warrant mentioned in the preceding article the county judge shall also issue an order to the sheriff or constable, directing him to summon a jury of six competent jurors of the county, to be and appear before such judge at the time and place designated in said order, for the hearing and determination of the matter.

Sec. 14. The cause shall be docketed on the probate docket of the court in the name of the State of Texas as plaintiff, and of the person charged with being an habitual drunkard as defendant. The county attorney shall appear and represent the State on the hearing, and the defendant shall also be entitled to counsel; and in proper cases the county

judge may appoint counsel for that purpose.

Sec. 15. At the time appointed for the hearing, or at any other time to which the proceedings may have been postponed, the cause shall be called for trial and a jury of six men impaneled, to whom shall be administered the following oath:

"You and each of you do solemnly swear (or affirm) that upon all the issues about to be submitted to you in the matter of the State of Texas against A B, you will a true verdict render according to the evidence. So help you God."

Sec. 16. After the evidence is heard, the county judge shall submit the matter to the jury upon the following special issues:

1. Is A B, the defendant, an habitual drunkard?

2. If the defendant is an habitual drunkard, is it necessary that he should be placed under restraint?

3. If you answer both the foregoing questions in the affirmative, then what is the age and nativity of the defendant?

4. How long has he been an habitual drunkard?

5. Is habitual drunkenness hereditary in the family of defendant or not?

6. Is defendant possessed of any estate, and, if so, of what does it consist and its estimated value?

7. If the defendant is possessed of no estate, are there any persons legally liable for his support? If yea, name them.

Sec. 17. The jury shall return in plain answers in writing to the issues named in the preceding article, but, if they find either the first or second issue in the negative, they need not determine further, and the defendant shall be discharged.

Sec. 18. Upon return of a verdict finding that the defendant is an habitual drunkard, and that it is necessary that he be placed under restraint, judgment shall be entered adjudging the defendant an habitual drunkard, and ordering him to be conveyed to the asylum for restraint and treatment.

Sec. 19. The special issues submitted to the jury with the answers thereto, shall be incorporated in the judgment, and, if it be found that the defendant is possessed of property, or that some other person is legally liable for his support, the county judge may, from time to time, upon request of the superintendent of the lunatic asylum, cite the guardian of such habitual drunkard, or

other person legally liable for his support, to appear at some regular term of the county court for civil business, then and there to show cause why the State should not have judgment for the amount due it for the support and maintenance of such habitual drunkard; and, if sufficient cause be not shown, judgment may be entered against such guardian or other person for the amount found to be due the State, which judgment may be enforced as in other cases.

Sec. 20. The State, in cases provided for in the preceding article, shall in no instance recover more than five dollars per week for the support of any habitual drunkard, and the certificate of the superintendent of the asylum as to the amount due shall be sufficient evidence to authorize the court to render judgment.

Sec. 21. The county attorney shall appear and represent the State in all cases provided for in the two preceding articles.

Sec. 22. Immediately after any person is adjudged an habitual drunkard, the county judge shall communicate with the superintendent of the asylum, and, if notified by the latter that there is a vacancy in the institution that the patient can be accommodated, he shall issue his warrant to the sheriff or some suitable person, directing him to convey the habitual drunkard to the asylum without delay, which shall be executed with all convenient dispatch.

Sec. 23. No warrant to convey an habitual drunkard to the asylum shall issue if there be no vacancy in the institution, or the patient cannot be accommodated, and if some relative or friend of the habitual drunkard will undertake, before the county judge, his care and restraint, and will execute a bond in a sum to be fixed by the county judge, payable to the State, with two or more good and sufficient sureties to be approved by the county judge conditioned that the party giving such bond will restrain and take proper care of the habitual drunkard so long as his drunkenness continues, or until he is delivered to the sheriff of the county or other person, to be proceeded with according to law; which bond shall be filed with, and constitute a part of the record of the proceedings, and may be sued and recovered upon by any party injured in his own name.

Sec. 24. The proceedings in any inquisition of habitual drunkenness shall be entered of record in the probate minutes

of the county court by the clerk thereof; and before any patient is sent to the asylum the county judge shall cause a complete transcript of the proceedings to be made up and certified by the clerk of the county court under the seal of said court, which transcript he shall forward by mail to the superintendent of the asylum.

Sec. 25. Before sending any habitual drunkard to the asylum, the county judge shall take care that the patient is provided with two full suits of substantial summer clothing and one full suit of substantial winter clothing.

Sec. 26. In judicial proceedings in cases of habitual drunkenness, as prescribed in this act, in each case the sheriff and county clerk shall be allowed the same fees as are now allowed said officers for similar services in misdemeanor criminal cases, the county attorney shall be allowed a fee of five dollars; provided, that such fees shall be allowed when a conviction is obtained, said costs to be paid out of the estate of the defendant, if he shall have an estate sufficient therefor, otherwise said costs shall be paid out of the county treasury; and the jurors in such cases shall be allowed fifty cents each, to be paid out of the county treasury. Justices of the peace who may take complaints, issue warrants and subpoenas in such habitual drunkenness cases, shall receive the same fees as are now allowed them by law for taking complaints, issuing warrants and subpoenas in criminal misdemeanor cases. Constables shall receive for executing warrants and serving subpoenas in habitual drunkenness cases the same fees as are now allowed them by law for similar services in criminal misdemeanor cases, such fees to be paid upon conviction out of the estate of the defendant, if he shall have an estate sufficient therefor, otherwise the same shall be paid by the county upon an account approved by the county judge.

Sec. 27. Any patient admitted as an habitual drunkard may be paroled from the asylum at any time after he has been confined therein for two months, upon the recommendation of the superintendent, approved by the board of managers.

Sec. 28. Whenever the superintendent of an asylum is dissatisfied with the conduct of a paroled patient he may, or whenever the county judge of the county in which such paroled patient resides certifies to him in writing that such paroled patient is using intoxicating

liquors or drugs to an extent that the welfare of himself or of others requires that he be placed under restraint, he shall revoke said parole and issue a written order reciting the confinement and parole of said patient and directing his arrest and return to said asylum, and said order shall be a sufficient warrant for any peace officer named therein to arrest and deliver said patient to said asylum, and it is hereby made the duty of all such officers to execute any such order in like manner as a warrant of arrest for felony.

Sec. 29. Patients admitted as habitual drunkards shall be confined in the asylum for the period of three years unless paroled under the provisions of Section 27 of this act. If such patient be paroled, and the parole be subsequently revoked, such patient shall then be so confined for three years, less the period of time of his former confinement.

Sec. 30. Any habitual drunkard who has been paroled from the asylum for the period of two years, or who has remained as a patient in the asylum for as long as one year may be discharged therefrom by the board upon the approval of the superintendent.

Sec. 31. There being no statute in this State providing for the admission into, and the discharge from, the asylum of habitual drunkards, or for judicial proceedings in cases of habitual drunkards, or for the parole of habitual drunkards or fixing a period of time for their confinement in the asylum, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 24, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 755, A bill to be entitled "An Act to amend an act entitled 'An Act incorporating the San Antonio Independent School District,' and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

JOHNSON, Chairman.

Committee Room,  
Austin, Texas, March 24, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Educational  
Affairs, to whom was referred

House bill No. 532, A bill to be entitled  
"An Act creating the Willow Hole Inde-  
pendent School District in Madison  
county, Texas; defining its metes and  
bounds; providing a board of trustees  
therefor; vesting it with the rights and  
duties of districts incorporated for school  
purposes only under the general laws,  
and declaring an emergency,"

Have had the same under considera-  
tion, and I am instructed to report the  
same back to the Senate with the recom-  
mendation that it do pass and be not  
printed.

JOHNSON, Chairman.

Committee Room,  
Austin, Texas, March 24, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Educational  
Affairs, to whom was referred

Senate bill No. 467, A bill to be entitled  
"An Act creating the Tolar Independent  
School District in Hood county, Texas;  
defining its metes and bounds; vesting  
it with the rights, powers, duties and  
privileges of districts incorporated for  
school purposes only under the general  
law; providing for a board of trustees  
therefor; providing that the present  
maintenance tax of the Tolar Independ-  
ent School District shall apply in the  
new district, and declaring an emer-  
gency,"

Have had the same under considera-  
tion, and I am instructed to report the  
same back to the Senate with the recom-  
mendation that it do pass and be not  
printed.

JOHNSON, Chairman.

Committee Room,  
Austin, Texas, March 24, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Finance, to  
whom was referred

Senate bill No. 480, A bill to be entitled  
"An Act making an appropriation for  
the support of the State Prison Commis-  
sion for the period beginning March 1,  
1913, and ending August 31, 1913, and  
declaring an emergency,"

Have had the same under considera-  
tion, and I am instructed to report the  
same back to the Senate with the recom-

mendation that it do pass and that it be  
not printed.

WILLACY, Chairman.

#### PETITIONS AND MEMORIALS.

By Lieutenant Governor Mayes:

Letter from Hon. Albert S. Burleson  
addressed to Secretary Howerton of the  
Senate, thanking the Senate for com-  
plimentary resolutions passed on the oc-  
casion of his appointment to the office  
of Postmaster General.

By Senator Kauffman:

Communication signed by citizens of  
Galveston setting forth the reasons why  
the bill for sterilization of defectives  
should not pass.

By Senator Gibson:

Petition unanimously signed by citi-  
zens of Lancaster, Texas, setting forth  
reasons why the insurance rating board  
law should not be repealed, saying that  
cheaper rates had been afforded and that  
towns and cities had been induced to  
keep clean.

By Lieutenant Governor Mayes:

The following telegram signed by vari-  
ous citizens of McKinney, Texas:

The city of McKinney recently adopt-  
ed commission government, relying upon  
the constitutional right to secure a new  
charter. If the Legislature fails to pass  
a bill putting into effect the home rule  
amendment it will deprive our city of  
this right and thus tie up and retard our  
city's progress and leave our municipal  
and school affairs in a helpless and de-  
plorable condition. We appeal to the  
Legislature for relief and request that  
this appeal, if it is not against the rules,  
be printed in the Senate Journal.

By Senator Warren:

Petition signed numerously by citi-  
zens of Henderson county, Texas, pro-  
testing against the enactment of bill No.  
45 proposed as an amendment to the  
game laws of Texas.

By Senator Terrell:

Petition numerously signed by citi-  
zens of Marlin, Texas, protesting against  
the passage of House bill No. 560, reg-  
ulating the rate of interest that may be  
charged in Texas.

By Senator Taylor:

Petition signed numerously by citi-  
zens of Rogers, Bell county, Texas, en-  
dorsing Senate bill No. 423, regulating  
the practice of massage.